



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twentieth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.1829 AND 1826 of 2017

SARAVANAN @ SIVASARAVANAKUMAR,

... PETITIONER/ACCUSED NO.19

IN CRL OP(MD)NO.1829/2017

KARTHIR @ KATHIRAVAN

... PETITIONER/21st ACCUSED

IN CRL OP(MD)NO.1826/2017

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ILAYANGUDI POLICE STATION,
ILAYANGUDI, SIVAGANGAI DISTRICT
CRIME NO.367 OF 2016.

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.S.SIVASUBRAMANIAN Advocate
IN CRL OP(MD)NO.1829/2017
: M/S.M.S.JEYAKARTHIK, Advocate
IN CRL OP(MD)NO.1826/2017

For Respondent : MR.P.KANDASAMY Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

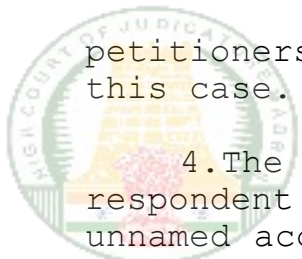
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners / A18 and A21, who were arrested and remanded on 03.01.2017 and 11.01.2017 respectively, for the offences punishable under Sections 395, 397, 212, 120(b) IPC and Section 3 of TNPPDL Act r/w 34 of IPC in Crime No.367 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners along with other accused, by giving false promise to convert old currency into a new one for 15% commission, cheated the de fact complainant for a sum of Rs.30 lakhs.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case on the basis of the confession given by the coaccused. It is also submitted that no amount is recovered from this petitioners and the cheated amount has not been shared to the



petitioners herein as per the confession statement given by A1 in this case.

4. The learned Government Advocate (crl.side) appearing for the respondent also submitted that totally there are 7 named and other unnamed accused in this case and the petitioners are arrayed as A18 and A21 in this case and based on the confession statement given by the co accused namely, Rajendran, the petitioners were implicated as accused in this case. He also submitted that a sum of Rs.3.10 lakhs was recovered from the co accused namely, Durai @ Chinnadurai and Rs.2 lakhs was recovered from another coaccused namely, Subburaj @ Rajkumar, who are named accused in the FIR. He further submitted that investigation is still pending and co accused was enlarged on bail by this Court in CrI.O.P.(MD)No.369 of 2017 on 19.01.2017.

5. Considering the facts and circumstances of the case and also considering specific overt act attributed against the petitioners and also the name of the petitioners were implicated only based on the confession given by the co-accused and as per the confession given by the coaccused, no amount was shared to these petitioners, this Court is inclined to grant bail to the petitioners. Accordingly, **the petitioners are ordered to be released on bail** subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Ilayangudi;

(ii) the petitioners are directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
20/02/2017

/ TRUE COPY /



nbj

TO

1 THE JUDICIAL MAGISTRATE, ILAYANGUDI

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE, ILAYANGUDI POLICE STATION,
ILAYANGUDI, SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE SUPERINTENDENT CENTRAL JAIL, MADURAI

+1. CC to M/S.S.SIVASUBRAMANIAN Advocate SR.No.9241

+1 CC to Mr.M.S.Jeyakarthik, Advocate Sr.No.9163

GJM/PM/SAR-2-20.2.17-3P-8C

ORDER

IN

CRL OP (MD) No.1829 AND
1826 of 2017

Date :20/02/2017