



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

Friday, the Twenty Third day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4611 of 2018

SOUNDARAJAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
TOWN WEST POLICE STATION,
THANJAVUR, THANJAVUR DISTRICT,
IN CR.NO. 66/2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.SURESH KANNAN Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, was arrested and remanded to judicial custody on 24.02.2018 for the offences punishable under Section 420 IPC in Crime No.66 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on giving false promise to arrange a job at Taluk Office in Thanjavur, the petitioner had received a sum of Rs.24,000/- and subsequently, he did not arrange the job and cheated him. Hence, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 24.02.2018.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation of the case is under progress.



5.The submissions made by the learned counsel appearing on either side are considered.

6. It is alleged, during the time of occurrence, the petitioner received a sum of Rs.24,000/- from the defacto complainant for arranging a job and after receiving the said amount, he has not complied with the promise as stated at the time of receiving the amount. After the arrest, portion of the amount was recovered from the petitioner and he is in judicial custody from 24.02.2018. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court came to the conclusion that further detention is not necessary for completing the investigation. Hence, this Court inclined to enlarge the petitioner on bail subject to some stringent conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thanjavur.

(ii) the petitioner shall appear before the respondent Police daily at 10.00 am until further orders.

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

(iv) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

23/03/2018

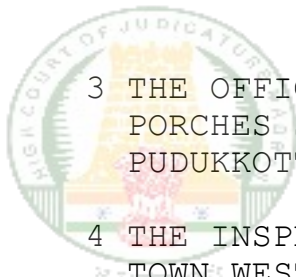
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.

2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT RUMBAKONAM.



3 THE OFFICER INCHARGE,
PORCHES SCHOOL,
PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE,
TOWN WEST POLICE STATION,
THANJAVUR,
THANJAVUR DISTRICT.

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

+1. CC to M/S.C.SURESH KANNAN, Advocate SR.No.4666.

ORDER
IN
CRL OP (MD) No.4611 of 2018
Date :23/03/2018

SDS/PN/SAR.1/23.03.2018/3P/7C