



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

Friday, the Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21709 of 2018

1 GOWTHAM @ NOOR MOHAMED
2 V.RAJESH

... PETITIONERS / ACCUSED
2 & 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
TALLAKULAM POLICE STATION,
MADURAI DISTRICT.
Crime.No.2040/2018

... RESPONDENT/ COMPLAINANT

For Petitioners : Mr.T.BALAKRISHNAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

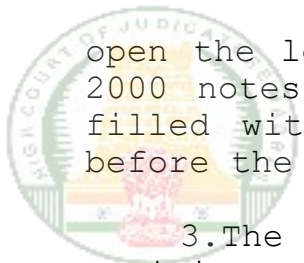
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners were arrested and remanded to judicial custody since 06.11.2018 for the offence punishable under Sections 420, 397 and 114 I.P.C., in Crime No.2040 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant was in need of some money. Therefore, his Manager viz., Saravanan had introduced Duraiarasan and Nagaiselvam to the defacto complainant. These three persons have introduced the accused to the defacto complainant. There seems to have some meetings in Trichy, initially and thereafter, on 18.10.2018, the defacto complainant was asked to come collect the money at Madurai, the defacto complainant was directed to pay a sum of Rs.30 lakhs as charges.

3.Accordingly, on 18.10.2018, the defacto complainant had handed over the said sum to the accused. The defacto complainant received the cash bag of Rs.1.40 crores. Thereafter, the accused have gone to purchase some stamp papers. The bag was locked. Thereafter, he tried to contact the accused, but they were not reachable. Having suspected the same, the defacto complainant broke



open the lock of the bag. Thereafter, he found that only fourteen 2000 notes were available in that bag and the remaining bags are filled with color papers. Hence, the a case has been registered before the respondent police.

3.The averments against the petitioners are that the petitioners were present in the restaurant at the time of handing over the cash bag. Admittedly, the entire issue is with regard to the transaction with A1 and A2. Initially the case was registered under Section 420 IPC. Subsequently, on 05.11.2018 the case was registered under Sections 420, 397 and 114 IPC. Thereafter, the accused have said to have been arrested and remanded to judicial custody on 06.11.2018.

4.The Additional Public Prosecutor would submit that a sum of Rs.19 lakhs have been recovered from the petitioners.

5.Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing 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 learned Judicial Magistrate No.II, Madurai and on further condition that:

[a] the petitioners shall report before the respondent police as and when required for the purpose of interrogation.

[b] the petitioners shall not abscond either during investigation or trial.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned 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 learned 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/12/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO II, MADURAI

2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE
TALLAKULAM POLICE STATION,
MADURAI DISTRICT.

4. THE SUPERINTENDENT
CENTRAL JAIL, MADURAI.

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

+2. CC to Mr. T. BALAKRISHNAN Advocate SR.No.22872

ORDER

IN

CRL OP (MD) No.21709 of 2018

Date : 07/12/2018

TK/PN/SAR.1/07.12.2018/3P/8C