



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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7681 of 2018

KAJA MOHIDEEN

... PETITIONER /1st ACCUSED

Vs

THE STATE REP.BY
THE INSEPCTOR OF POLICE,
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.64 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate

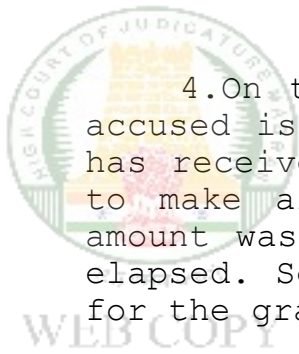
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 23.04.2018 for the offences punishable under Sections 420, 506(ii) I.P.C in Crime No.64 of 2018, on the file of the respondent police seeks bail.

2.The allegation against the petitioner is that on 27.02.2017, the petitioner had obtained a sum of Rs.2,00,000/- from the defacto complainant for arranging a job in abroad. But failed to do so and the petitioner refused to repay the amount also.

3.On the side of the petitioner, it is stated that when the complainant approached the petitioner for getting a job in abroad. The petitioner introduced the complainant to the travel agent. The amount was given only to the travel agent and not to the petitioner herein. He further stated that the travel agent was not impleaded as an accused. The travel agent was taking steps for getting Visa and it will take some time for the same. The learned counsel for the petitioner further stated that the petitioner is ready to deposit 1/3 of the amount, without prejudice to his defence.



4. On the side of the respondent, it is stated that the second accused is the wife of the first accused and the petitioner herein has received Rs.2,00,000/- from the defacto complainant, but failed to make arrangement for the job. It is further stated that the amount was received only by the petitioner and already four months elapsed. So, the delay in getting Visa is unbelievable and objected for the grant of bail.

5. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.64 of 2018 before the learned Judicial Magistrate, Sivagiri, without prejudice to his defence before the trial Court.

(ii) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sivagiri.

(iii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

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

(v) the petitioner shall not abscond either during investigation or trial; and

(vi) 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/-

09/05/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI,
TIRUNELVELI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

4 THE INSEPCTOR OF POLICE
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.8284.

ORDER

IN

CRL OP(MD) No.7681 of 2018

Date :09/05/2018

SDS/PN/VK/10.05.2018/3P/7C