



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

Friday, the Eighth day of June Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.8966 of 2018

1 WASHED ASLAM MANIHAR
2 MOHAMED SAFAT NOOR
3 KHALIDYAR MOHAMMED MANIHAR ... PETITIONERS / ACCUSED Nos.2,3 & 4

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DCB, THENI,
IN CRIME NO. 8 OF 2018 ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.PRABHU RAJADURAI, Advocate for
Mr.S.M.A.JINNAH Advocate

For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU
Govt. Advocate (Crl. Side)

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

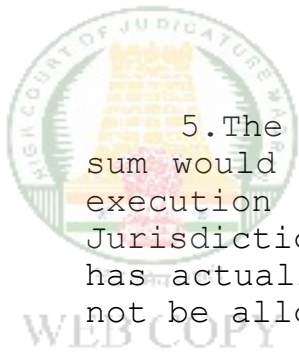
ORDER : The Court Made the following order :-

The petitioners are arrayed as Accused Nos.2 to 4. They were arrested and remanded to judicial custody on 01.05.2018 for the offences punishable under Sections 120(b), 406 and 420 IPC in Crime No.8 of 2018, on the file of the respondent police. They seek bail.

2.The defacto complainant in this case is one Ramesh. He was induced to deposit a sum of Rs.52 lakhs in various bank accounts.

3.The learned counsel for the petitioners submits that the petitioners are also victims at the hands of the principal accused.

4.Be that as it may, the petitioners have now come forward to pay a sum of Rs.8 lakhs to the defacto complainant. The defacto complainant is present before this Court. Mr.Sakthivel, SSI, attached to the respondent DCB, identifies the defacto complainant. The defacto complainant has no objection for granting bail to the petitioners. Therefore, bail is granted to the petitioners.



5.The learned counsel for the petitioners submits that the said sum would be handed over to the defacto complainant at the time of execution of sureties. It is made clear that unless the Jurisdictional Magistrate is satisfied that the defacto complainant has actually received the amount of Rs.8 lakhs, the formality would not be allowed to be completed.

6.Heard the learned Government Advocate (Crl.Side) and the learned counsel appearing for the petitioners.

7.Taking note of all these aspects of the matter, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions.

(i)Since the petitioners are not likely to have local sureties, the Judicial Magistrate, Theni is directed to accept two common sureties for the three petitioners for a sum of Rs.10,000/- each for a like sum to the satisfaction of the learned Judicial Magistrate, Theni. The said sureties shall be accepted on their own bond for the said sum. After the petitioners are released from custody, they shall appear before the learned Magistrate who issued transit warrant within a period of four weeks thereafter and offer two common sureties each for a like sum to the satisfaction of the learned Magistrate concerned.

(ii)The petitioner shall also appear before the said Court on every alternate Monday (twice a month) and the petitioner shall appear before the respondent police as when required for interrogation.

8.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/-
08/06/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE,
THENI

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI

3 THE INSPECTOR OF POLICE
DCB, THENI,

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI

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

+1. CC to M/S.S.M.A.JINNAH Advocate SR.No.9870

SKM

JAM/08/06/2018/ PN/VK / 3P-7C

ORDER

IN

CRL OP (MD) No.8966 of 2018

Date :08/06/2018