



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3124 of 2019

MARTIN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.
CRIME NO.5 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.KARUNANITHI Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded into the judicial custody from 16.02.2019 for the o-f-fence under Sections 406, 420 and 506(i) of IPC, in Cr.No.5 of 2019 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that one Govindaraj lodged a complaint to the respondent police stating that one Mariyaselvam obtained more than Rs.5,00,000/- from the defacto complainant for getting job from foreign country and cheated him. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. The prime accused in this case has been granted anticipatory bail by this Court by order dated 25.02.2019 in Crl.O.P.(MD).No.2784 and 2785 of 2019 on condition to deposit the entire cheated amount in to the credit of crime number before the concerned Judicial Magistrate Court and the same should disburse the same to the respective persons. Accordingly, he prayed for bail.

4.The learned Government Advocate (Crl. Side) appearing for the state did not dispute the above fact.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the nature of the case and considering the period of incarceration and since the prime accused granted anticipatory



bail by order dated 25.02.2019 in CrI.O.P.(MD).No.2784 and 2785 of 2019 on condition to deposit the entire cheated amount in to the credit of crime number, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Theni and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the learned respondent police as and when required for interrogation;

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

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

(e) on breach of any of the aforesaid conditions, the learned 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 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/03/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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



+1 CC to M/s.M.KARUNANITHI, Advocate (SR-4186[I] dated 04/03/2019)

WEB COPY

ORDER

IN

CRL OP (MD) No.3124 of 2019

Date :04/03/2019

JM/JC/SAR 4/04.03.2019/3P/7C