



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

Tuesday, the Sixteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5668 of 2019

SHIBU S.NAIR

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KOLLEMCODE POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
CRIME NO.14 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SAJI BINO, 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 was arrested and remanded to judicial custody since 19.01.2019 for the offences punishable under Section 420 IPC in Crime No.14 of 2019, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 06.01.2019, the petitioner who is a broker, received Rs.15,000/- from the defacto complainant in the name of Thiruvananthapuram Social Society to build home for people under poverty line and the petitioner totally collected a sum of Rs.1,37,000/-. Thereafter, they neither build a house nor repaid the amount. Aggrieved over the same, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel appearing for the petitioner, on instructions, submitted that he is ready to deposit a sum of Rs.1,37,000/- to the credit of Crime No.14 of 2019 before the concerned Court. Thereafter, the said amount disposes in favour of the victims.

4.The learned Additional Public Prosecutor for the State submitted that since the accused person has come forward to deposit



a sum of Rs.1,37,000/- in Crime No.14 of 2019, this Court may grant bail to the accused person.

5.Considering the facts and circumstances of the case, considering the fact that the petitioner has come forward to deposit a sum of Rs.1,37,000/- to the credit of Crime No.14 of 2019 and also considering the period of incarceration of the petitioner, this Court is 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 No.II, Kuzhithurai and on further condition that:

(a) the petitioner shall deposit a sum of Rs.1,37,000/- to the credit of Crime No.14 of 2019 before the concerned Court. Thereafter, the said amount shall dispose to the victims after identification of their identity.

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

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

(f)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;

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

sd/-

16/04/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 3. THE SUPERINTENDENT, CENTRAL JAIL,
POOJAPURA, TRIVANDRUM.
 4. THE INSPECTOR OF POLICE, KOLLEMCODE POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.SAJI BINO Advocate SR.No.6838

ORDER
IN
CRL OP (MD) No.5668 of 2019
Date :16/04/2019

MS/MMS/SAR-2/16.04.2019/3P.7C