



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

Wednesday, the Twenty Fourth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5810 of 2019

R.PADMANABHAN

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TRICHY DISTRICT.
CRIME NO.46 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.KUMAR Advocate

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

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

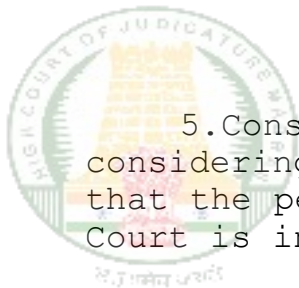
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 15.03.2019 for the offences punishable under Sections 420,415,416,417,419 and 406 of IPC in Crime No. 46 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with others have cheated the defacto complainant and nine others to the tune of Rs.76,00,000/- as if will secure job in Indian railways. Hence, the complaint.

3.The learned for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. However without prejudice to his rights and contentions the petitioner is willing to deposit Rs.35,00,000/- to the credit in Crime number within a period of four weeks and thereafter the same shall be disbursed to the defacto complainant and other victims.

4.The learned Additional Public Prosecutor appearing for the state would submit that since the petitioner has come forward to deposit the said amount, this Court may pass appropriate orders.



5. Considering the facts and circumstances of the case and considering the period of incarceration and considering the fact that the petitioner has come forward to deposit Rs.35,00,000/-, 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, Trichy and on further condition that:

(a) the petitioner is directed to deposit Rs.35,00,000/- to the credit in Crime No. 46 of 2018 before the learned Judicial Magistrate No.II, Trichy with in a period of four weeks from the date of receipt of a copy of this order and on such deposit the learned Magistrate shall disburse the said proportionally to the the defacto complainant and other victims

(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;

(d) 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;

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

sd/-

24/04/2019

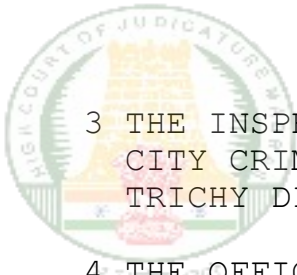
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.



3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TRICHY DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, ERODE.

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

+1 CC to M/s.M.KUMAR, Advocate (SR-7087[I] dated 24/04/2019)

ORDER

IN

CRL OP (MD) No.5810 of 2019

Date :24/04/2019

JM/MMS/SAR 1/24.04.2019/3P/7C