

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 11/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7895 of 2019

Muneesh @ Muneeshwaran

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,,
District Crime Branch,
Sivagangai.
Crime No.14/2019.

... Respondent/Complainant

For Petitioner : M/s.K.K.Maheshraja,
Advocate.

For Respondent : Mr.V.Neelakandan,
Govt.Advocate (Crl.Side).

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

ORDER : The Court Made the following order :-

This petition has been filed by the Accused seeking bail for the alleged offence punishable under Sections 406, 420 I.P.C and Section 24(1) (b) of Emigration Act, 1983.

2. The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence and he has been falsely implicated in the above case. He further submitted that the case of the prosecution is that the petitioner by giving false promise that he will make arrangement for working visa in abroad, received a sum of Rs.3 lakhs from the de facto complainant and thereafter, he did not make any arrangement for getting visa and also not repaid the amount. He further submitted that already the petitioner has repaid a sum of Rs.1,50,000/- and now he preferred to deposit a sum of Rs.50,000/- without prejudice his defence. He also submitted that the petitioner is in custody from 07.05.2019 and therefore, he prayed for grant bail to the petitioner.

3 Per contra, the learned Additional Public Prosecutor has submitted that the petitioner received a sum of Rs.3 lakhs from the de facto complainant for getting visa but, he did not make any

arrangement for the same. He further submitted that the investigation is still pending.

4.Considering the fact that the petitioner is in custody from 07.05.2019 and also the fact that already the petitioner has paid a sum of Rs.1,50,000/- and also the submission of the learned counsel for the petitioner that the petitioner is prepared to deposit a sum of Rs.50,000/- without prejudice to his defence, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on depositing a sum of Rs.50,000/- (Rupees Fifty Thousand Only) before the learned Judicial Magistrate No.II, Sivagangai and on his executing 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 Judicial Magistrate No.II, Sivagangai;

[b] the petitioner shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/06/2019

/ TRUE COPY /

WEB COPY

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

<https://hcservices.courts.gov.in/hcservices/>
3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

4. THE INSPECTOR OF POLICE,,
DISTRICT CRIME BRANCH,
SIVAGANGAI.

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

+1. CC to Mr.K.K.MAHESHRAJA Advocate SR.No.9474

ORDER

IN

CRL OP (MD) No.7895 of 2019

Date :11/06/2019

MS/MMS/SAR-2/12.06.2019/3P.7C



WEB COPY