



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 26/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8914 of 2019

Balamurugan

... Petitioner/Accused No.1

Vs

State Rep.by
The Sub Inspector of Police,
Aruppukkottai Town Police Station,
Virudhunagar District.
Crime No.6 of 2019

... Respondent/Complainant

For Petitioner : M/s.B.Anandan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For bail petition in cr.no.6 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petition has been filed by Accused No.1 seeking bail for the alleged offence punishable under Sections 406, 420 r/w 34 of IPC, in Crime No.6 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that in the FIR, it is stated that the defacto complainant gave Rs.16,90,000/- to the petitioner herein for the purpose running a business and subsequently, the petitioner has not returned the said amount and hence document was executed in a 100 rupees stamp paper by the petitioner herein on 12.12.2017 and even thereafter, the petitioner has not returned the said money. He further submitted that originally, the petitioner and another accused and the husband of the defacto complainant were running a partnership business at Karnataka State in Mines and at that time, all the three persons have invested each Rs.3,50,000/-. Due to the Government Order, the



said business could not be continued and now the defacto complainant's husband has given the present complaint through his wife and actually, the petitioner has not borrowed any amount. He further submitted that the petitioner has been falsely implicated in this case and therefore, he prayed to grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner herein and the accused No.2 induced the defacto complainant's husband to invest money in the business and believing their words, the defacto complainant gave a sum of Rs.16,90,000/- on various dates and subsequently, the accused persons did not return the said amount, and that on 12.12.2017, the petitioner herein alone had executed a document admitting his liability. But even thereafter, he has not returned the amount. He further submitted that the investigation is not yet completed and therefore he opposed this petition.

5.Taking into consideration of the aforesaid fact that transaction appears to be a money transaction and document has also been executed by the petitioner herein, and also the fact that the petitioner is in custody from 10.06.2019, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a]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 each for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukottai.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

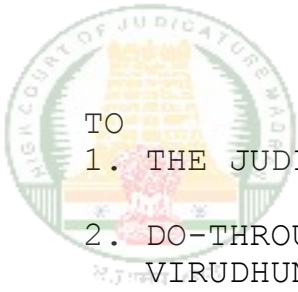
[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

26/06/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, ARUPPUKKOTTAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
 3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 4. THE SUB INSPECTOR OF POLICE,
ARUPPUKKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.B.ANANDAN, Advocate SR.No.10526

ORDER

IN

CRL OP (MD) No.8914 of 2019

Date :26/06/2019

MS/VR/SAR-3/26.06.2019/3P.7C