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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9793 of 2019

V.Ramesh

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
City Crime Branch (CCB),
Cantonment, Trichy-1,
Trichy District.

... Respondent/Complainant

For Petitioner : M/s.R.Sundar,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.33/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petition has been filed by the sole Accused seeking bail for the alleged offence punishable under Section 406 and 420 of IPC, in Crime No.33 of 2019.

2. The case of the prosecution is that the petitioner cheated the defacto complainant by giving a false promise to get Government job.

3. The learned counsel for the petitioner has submitted that the petitioner was working as a teacher in Arabindo International School at Trichy. The learned counsel for the petitioner further submitted that the petitioner is also one of the victims because he had given amount to the main accused namely one Ubendren and he was cheated by the said Ubendren. He further submitted that the petitioner gave a complaint as against the said main accused on 22.01.2018 itself. But no action has been taken on that complaint. Further, on 15.09.2018 also the petitioner has lodged a complaint



before the Inspector of Police, Palakarai, Trichy and on that complaint also no action has been taken. He further submitted that the petitioner is in custody from 19.06.2019 and he is ready to deposit a sum of Rs.1,00,000/- without prejudice to his rights. Hence, he prayed bail to the petitioner.

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4. The learned Additional Public Prosecutor has submitted that the petitioner cheated the defacto complainant by giving false promise to get Government job. Hence, he opposed this petition.

5. It is seen from the typed set of papers filed by the learned counsel for the petitioner on 22.01.2018 itself, the petitioner has submitted a petition before the District Collector, Trichy, making complaint against one Ubendran and for that a receipt has also been issued to the petitioner. But it appears that no action has been taken on the said complaint. Further, on 15.09.2018 also the petitioner has lodged a complaint before the Inspector of Police, Palakarai, Trichy and on that complaint also no action has been taken. According to the petitioner, he is also one of the Victims, who was cheated by the said Ubendran.

6. The learned counsel for the petitioner has submitted that even though the petitioner has not committed any offence, in order to show his *bona fide*, the petitioner is willing to deposit a sum of Rs.1,00,000/- before the Magistrate Court.

7. Taking into consideration of the aforesaid facts and also the fact that the petitioner is in custody from 19.06.2019 and nothing has been recovered from the petitioner, this Court is inclined to grant bail to the petitioner by imposing certain conditions.

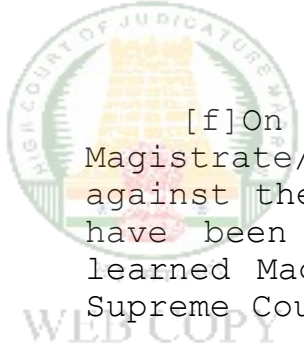
[a] the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, No.2, Trichy.

[b] before executing the bail bond, the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.33 of 2019 before the learned Judicial Magistrate, No.2, Trichy, without prejudice to their defence before the trial Court.

[c] 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.

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

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

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

sd/-
17/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.2, TRICHY.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
 4. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH (CCB), CANTONMENT, TRICHY-1.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.SUNDAR Advocate SR.No.11848

ORDER
IN
CRL OP(MD) No.9793 of 2019
Date :17/07/2019

MS/VR/SAR-1/17.07.2019/3P.7C