



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

Date : 07/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9322 of 2020

S.Alagarsamy @ Raja

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Central Crime Branch,
Madurai City.

... Respondent/Complainant

N.Govindaraj

...Petitioner/Intervener
IN CRL MP(MD)No.4411 of 2020
IN CRL OP(MD)No.9322 of 2020

For Petitioner : M/s.C.M.Arumugam, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
For Intervenor : Mr.B.Saravanan, Advocate.

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

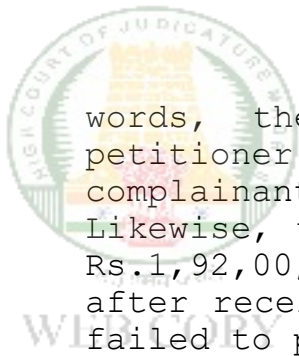
PRAYER :-

For Bail in Crime No.49 of 2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

There are totally nine accused in this case. The petitioner is arrayed as accused No.1. He was arrested and remanded to Judicial Custody on 18.08.2020, for the offences punishable under Sections 406, 420, 120(b) and 506(i) of I.P.C., in Crime No.49 of 2019, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the de-facto complainant is engaged in manufacturing of crackers in the name and style of Tamil Nadu Patassu Kadai. In the aforesaid business, one Ashok, who is also a victim in this case, has purchased a gift box of crackers in each year. Subsequently, the said Ashok introduced the petitioner/A-1 and other accused to the de-facto complainant and they have also given an assurance to Ashok that they will redeem the property, which is mortgaged by him, on payment of Rs.2,00,00,000/- and during the discussion, the petitioner also requested the de-facto complainant to sell the crackers to him. On believing this



words, the defacto complainant also supplied crackers to the petitioner to the tune of Rs.1.42 crores. That apart, the defacto complainant has also paid a sum of Rs.1,30,00,000/- as cash. Likewise, the another victim, by name Ashok, has also paid a sum of Rs.1,92,00,000/- to the accused during the transaction. However, after receipt of the cash and also the crackers, the accused person failed to pay the amount. Hence, the case has been registered.

3.Earlier A-2 and A-3 were arrested. After their arrest, there is an agreement between the accused persons and the defacto complainant. As per the agreement, they agreed to pay a sum of Rs.2,25,00,000/- to the de-facto complainant and Ashok, out of which, a sum of Rs.75,00,000/- has been paid, based on which, A2 and A3 were released on bail. Thereafter, the accused failed to pay the remaining amount. In the meantime, A-1 was also arrested by the respondent police on 18.08.2020. Now, he seeks bail.

4.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the intervenor and the learned Government Advocate (Crl. Side) appearing for the respondent police.

5.Earlier the matter came up for hearing, Mr.C.M.Arumugam, learned counsel appearing for the petitioner would submit that now the petitioner is ready and willing to pay the remaining amount as per the agreement and hence, the matter was adjourned today. Today, when the matter is taken up for hearing, it is represented by both Mr.C.M.Arumugam, learned counsel for the petitioner as well as Mr.Saravanan, learned counsel appearing for the intervenor that the petitioner has paid the amount by way of two demand drafts for a sum of Rs.75,00,000/- each to the de-facto complainant and Ashok. Mr.Saravanan, learned counsel appearing for the intervenor also submitted that they received the amount.

6.The learned Government Advocate(Crl.Side) opposing the bail petition submitted that the investigation is pending.

7.Considering the facts and circumstances of the case and also considering the fact that as per the agreement, now the amount has been paid to the de-facto complainant, I am inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Madurai District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their



ii) the petitioner shall report before the respondent police as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/09/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY.
4. THE OFFICER INCHARGE,
VIRUDHUNAGAR DISTRICT JAIL.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.9322 of 2020
Date : 07/09/2020

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