



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

Date : 03/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . Nos.12978 and 12980 of 2020

Murugan ... Petitioner/Defacto complainant
in both Petitions

Vs

1.The State Rep.by,
The Inspector of Police,
Srivaikundam Police Station,
Crime.No.299 of 2020. ... Respondent/Respondent/Complainant
IN Crl.OP(MD)No.12978/2020
2.E.Kovilraj ... Respondent/Petitioner/Accused No.3
IN Crl.OP(MD)No.12978/2020

1.The State Rep.by,
The Inspector of Police,
Srivaikundam Police Station,
Crime.No.299 of 2020. ... Respondent/Respondent/Complainant
IN Crl.OP(MD)No.12980/2020
2.Balasundararaja @ Raja
3.Anantharaj ...Respondents/Petitioners/Accused No.1 & 2
IN Crl.OP(MD)No.12980/2020

For Petitioner : Mr.R.Krishnan, Advocate.
In Both Petitions

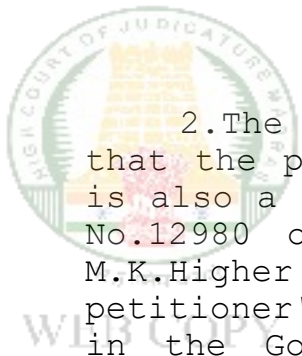
For 1st Respondent: Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)
In Both Petitions

PETITIONS FOR CANCELLATION OF BAIL Under Sec.439(2) of Cr.P.C

COMMON PRAYER :- To cancel the order of bail granted by the learned
Judicial Magistrate, Srivaikundam in Cr.M.P.Nos.717 and 718 of 2020
vide order dated 08.07.2020 and 14.07.2020.

COMMON ORDER : The Court made the following order :-

These petition have been filed to cancel the bail granted to
the second respondent/A3 in Crl.O.P.(MD).No.12978 of 2020 and the
Respondents 2 and 3/A1 and A2 in Crl.O.P(MD).No.12980 of 2020 by
the learned Judicial Magistrate, Srivaikundam, in Crl.M.P.Nos.717
and 718 of 2020 dated 12.09.2020.



2.The learned counsel appearing for the petitioner submitted that the petitioner/defacto complainant is retired army man and he is also a senior citizen. The second respondent/A1 in CrI.O.P(MD). No.12980 of 2020 was co-worker of the petitioner's daughter in M.K.Higher Secondary School on temporary basis and approached the petitioner's daughter that he will get appointment to the Clerk post in the Government Department and believing the said word, the defacto complainant has paid a sum of Rs.6 lakhs to A1. Thereafter, the accused persons failed to get any job to the defacto complainant and also refused to return the said amount. Hence, the first respondent Police has registered a case in Crime No.299 of 2020 for the offence under Sections 464, 468, 471 and 420 of IPC. After registration of the FIR, A1 to A3 were arrested and remanded to judicial custody on 15.06.2020. Thereafter, A1 to A3 have filed a bail petitions in Cr.M.P.Nos.717 and 718 of 2020 before the learned Judicial Magistrate, Srivaikundam. The learned Judicial Magistrate has considered the bail petitions and enlarged A1 to A3 on bail only on the ground that the period of incarceration in jail for the past 30 days and based on the confession statement, A3 has been arrested. The learned counsel appearing for the petitioner submitted that since no amount was recovered from the accused persons, bail granted to A1 to A3 is liable to be cancelled.

3.The learned Government Advocate (CrI. Side) appearing for the first respondent submitted that on the complaint lodged by the petitioner, a case was registered in Crime No.299 of 2020 for the offence under Sections 464, 468, 471 and 420 of IPC. After registration of the FIR, A1 to A3 were arrested and remanded to judicial custody on 15.06.2020. Thereafter, A1 to A3 have filed a bail petitions in Cr.M.P.Nos.717 and 718 of 2020 before the learned Judicial Magistrate, Srivaikundam and the same were considered by the learned Judicial Magistrate and enlarged A1 to A3 on bail. He further submitted that the A1 to A3 have also cooperated the investigation and it is pending for completion of investigation.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI. Side) appearing for the first respondent.

5.On perusal of the materials available on records, it is seen that totally there are three accused and they were arrested in pursuant to the Crime No.299 of 2020 for the offence under Sections 464, 468, 471 and 420 of IPC. After period of 30 days, they were enlarged on bail by the Court below. While granting bail, the Court below has imposed a conditions as follows:

a.that the A1 to A3 shall execute a bond for Rs.10000/- with two blood sureties each for like sum.

b.that the A1 to A3 shall appear and sign before the first respondent Police (Srivaikundam Crimes PS) daily at 10.30 a.m for a period of 30 days without fail the date of release since lockdown conditions have got relaxed as on date



c.that A1 to A3 shall not directly or indirectly tamper the witnesses or evidences in this case.

6. Accordingly, A1 to A3 have duly complied the condition and now the investigation is pending. Therefore, this Court finds no illegality or infirmity in the order passed by the learned Magistrate and the present petitions are liable to be dismissed.

7. Accordingly, these Criminal Original Petitions are dismissed. However, the first respondent Police is directed to complete the investigation in Crime No.299 of 2020 and file a final report within a period of 12 weeks from the date of receipt of a copy of this order.

sd/-

03/12/2020

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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, SRIVAIKUNDAM

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION, THOOTHUKUDI DISTRICT

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

+2. CC to M/S.R.KRISHNAN Advocate SR.Nos.24077, 24078 (F)

ORDER

IN

CRL OP (MD) . Nos.12978 and
12980 of 2020

Date : 03/12/2020

vsg

PK/JC/SAR-III/18.12.2020 : 3P/7C

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