



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

Date : 24/11/2020

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PRESENT

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

CRL OP(MD). No.13342 of 2020

Arunkumar

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
Crime No.56 of 2020.

... Respondent/Complainant

For Petitioner : Mr.A.Arputharaj,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

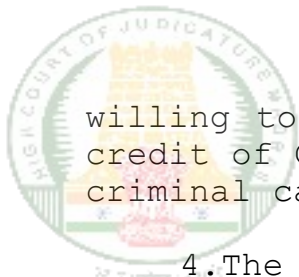
For Bail in Crime No.56 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 08.10.2020 for the alleged offences under Sections 406 and 420 of IPC, in Crime No.56 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused persons have collected a sum of Rs.7.85 lakhs from 9 victims promising to get a job in their society. After collecting money, the petitioner and others neither secured job and nor repaid the amount. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is only staff of the society. In fact, the petitioner has also invested a sum of Rs.50,000/- in the society. Therefore, the petitioner is the one of the victim and he has not committed any offence as alleged by the prosecution. However, on instructions, he further submitted that the petitioner is ready and



willing to pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.56 of 2020 without prejudice to his rights in the criminal case. Hence, he seeks bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that totally there are four accused, in which, the petitioner has been arraigned as A2. The petitioner and others have conspired together and collected Rs.7.85 lakhs from 9 victims promising to get a job in their society. Thereafter, they failed to repay the said amount. He further submitted that there is no recovery from the petitioner.

5. It is seen that totally there are four accused in this case, in which, the petitioner has been arraigned as A2. On perusal of the records, it is seen that the petitioner along with other accused conspired together and collected a sum of Rs.7.85 lakhs from 9 victims promising to get a job in their society. Insofar as the petitioner is concerned, he is the one of the staff in the society and he has invested a sum of Rs.50,000/- in the society and there is no other serious allegations against him.

6. Taking note of the above facts and circumstances of the case also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.56 of 2020 within a period of Two weeks without prejudice to his rights and contentions before the concerned Court. On such deposit, 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 Judicial Magistrate Court No.2, Ramanathapuram 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 identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, 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 accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/11/2020

/ TRUE COPY /

/ /2020
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.2,
RAMANATHAPURAM DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
- 4.THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13342 of 2020
Date :24/11/2020

VSG
TK/VR/SAR.3/24.11.2020/3P/6C