



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

Date : 16/12/2020

PRESENT

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

CRL OP(MD). No.14935 of 2020

Devanarayanan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
CCB Police Station,
Madurai District.
Crime No.51/2020

... Respondent/Complainant

For Petitioner : Mr.H.Mohammed Basha, Advocate.
for M/S.Ajmal Associates, Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.51/2020 on the file of the respondent police.

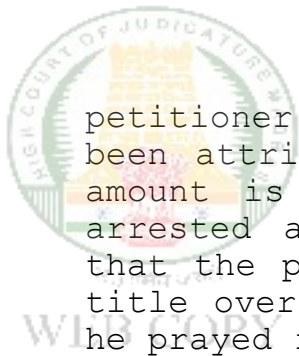
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to Judicial Custody on 21.10.2020 for the offences punishable under Section 420 of IPC, in crime No.51 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 promised to get job from nine victims and collected a sum of Rs.37,85,000/- and thereafter they did not obtain any job and also they refused to settle the amount.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that the petitioner is only a labour and he is working under A1. He further submitted that the defacto complainant and others have given amount to A1 for the purpose of getting any public employment. This



petitioner has no role in this case and admittedly no overt act has been attributed in the FIR as against the petitioner herein. The amount is said to have been received by A1 and he was already arrested and subsequently released on bail. He further submitted that the petitioners are ready and willing to deposit the original title over the property to the value of Rs.15,00,000/-. Hence, he prayed for grant of bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that there are totally two accused, in which the petitioner is arrayed as A2. The first accused entrusted the second accused, as if he was working in the higher post in the Electrical Board Department and both the accused have collected a sum of Rs.37,85,000/- from nine victims for getting job in all the Government Departments. But, they failed to get any job and also refused to return the amount to the victims.

6.It is seen that there are totally two accused, in which the petitioner is arrayed as A2. Insofar as the first accused is concerned he was already arrested and released on bail. Both accused were collected a sum of Rs.37,85,000/- from the poor family for arranging jobs in all the Government Departments. Thereafter, they failed to get any job and fabricated false appointment order and issued them. Now, the petitioner is ready and willing to deposit the title over the property to the value of Rs.15,00,000/-.

7.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner by imposing conditions.

8.Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions

[a] The petitioner is directed to deposit the original title deed of the property that stands in his name or his friend name and his relatives name, which is not less than value of Rs.15,00,000/- with proper value certificate, to the credit of Crime No.51 of 2020, within a period of two weeks, without prejudice to his defence before the trial Court.

[b] On such deposit, the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Madurai District.

[c] 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



[d] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] 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].

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

sd/-
16/12/2020

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/ /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.I, MADURAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CCB POLICE STATION, MADURAI DISTRICT.
4. THE OFFICER INCHARGE,
MADURAI DISTRICT JAIL, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.14935 of 2020
Date :16/12/2020

VSG
TK/PN/SAR.4/16.12.2020/3P/6C

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