



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

Date : 21/12/2020

PRESENT

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

CRL OP(MD). No.15359 of 2020

S.Ulaganathan

... Petitioner/Accused A1

Vs

State Rep.by
The Inspector of Police,
Thideernagar Police Station,
Madurai District.
(Crime No.797/2020)

... Respondent/Complainant

For Petitioner : Mr.Veera Kathiravan, Senior Counsel for
M/s.Veera Associates

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

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

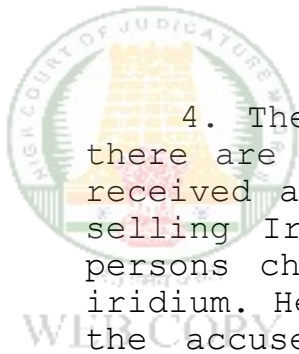
PRAYER :- For Bail in Crime No.797/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 19.11.2020 for the offences punishable under Sections 406, 420 of IPC on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons have promised the defacto complainant that the Iridium is available for sale. Believing the words of the accused persons, the defacto complainant has paid a sum of Rs.2,58 Crores and after receipt of the money the accused persons failed to produce the said Iridium. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there are totally two accused in this case and the petitioner is arrayed A-1. He would further submit that A2 in this case was arrested and released on bail by this Court, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that there are totally two accused persons and both the accused persons received a sum of Rs.2.58 crores from the defacto complainant for selling Iridium and after receiving the said amount, the accused persons cheated the defacto complainant and failed to produce the iridium. He would further submit that on receipt of said money, both the accused persons have purchased so many properties and the properties are very much available in Bangalore and as well as in Tamil nadu.

5. It is seen that there are totally two accused persons and the petitioner is arrayed as A-2. The accused persons induced the defacto complainant for selling iridium and received a sum of Rs. 2.58 crores and thereafter, cheated the defacto complainant. A2 in this case was arrested and released on bail by this Court.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that A2 in this case was arrested and released on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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

[a] the petitioner shall deposit the original title deed which stands in his name or in his relative's name or in his friend's name worth about Rs.50 lakhs along with the property valuation certificate from the authorities competent before the concerned Court without prejudice to his defence

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

[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 identity ;

[d] the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 pm., until further orders.

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

[f] the petitioner shall not abscond during 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/-
21/12/2020

/ 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.V, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
THIDEERNAGAR POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/s.VEERA ASSOCIATES, Advocate (SR-8389[I] dated 21/12/2020)

ORDER IN
CRL OP(MD) No.15359 of 2020
Date :21/12/2020

MS/PN/SAR-4/21.12.2020/3P.7C