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

Date : 02/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.19119 of 2019

MANIKANDAN ... PETITIONER/ACCUSED NO.4

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TRICHY DISTRICT.
(CRIME NO.19/2019). ... RESPONDENT/COMPLAINANT

For Petitioner : M/s. An. Ramanathan,
Advocate.
For Respondent : Ms.M.Anantha Devi,
Government Advocate (Crl.Side)

For Intervener : Ms.R.Yamuna, Advocate

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

PRAYER :-

For Bail in Crime No. 19/2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioner is in custody since 28.11.2019 for the offences punishable under sections 417 and 420 of I.P.C., in Crime No.19 of 2019 on the file of the respondent police. He seeks bail.

3. The case of the prosecution is that the accused had received a substantial sum of money from the victims by promising them to secure public employment for them. According to the learned Government Advocate there are 19 victims and a sum of Rs.75 Lakhs is involved. According to the learned counsel for the intervener, there are as many as 33 victims and more than a crore of rupees is involved.

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4.It is also seen that A1-Indumathi W/o. Ramesh, has since filed insolvency petition in I.P.No.19 of 2019 before the Subordinate Judge, Trichirappalli. It is stated that the insolvency petition has been dismissed. A1 is said to be on the run. The First Information Report was registered way back on August, 2019. But till date, she has not been secured. She is now said to be in Karnataka. The petitioner herein is only the brother of A1.

5.According to the learned counsel for the petitioner, the petitioner had contracted a love marriage and he is residing separately and in no point of time, he was with A1. He further stated that even according to the prosecution, no amount was deposited in the bank account of the petitioner herein / Manikandan.

6.The petitioner is in custody for more than 35 days. Therefore, I am of the view that his continued incarceration is not going to serve any purpose. At the same time, it is necessary to address the concerns of the defact complainant also. Therefore, the Superintendent of Police(Rural), Trichy is directed to ensure that the first accused who is said to be absconding is secured at the earliest.

7. Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute 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 learned Judicial Magistrate, Thuraiyur, Trichy District.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
02/01/2020

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

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TO

1 THE JUDICIAL MAGISTRATE,
THURAIYUR, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TRICHY DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.R.YAMUNA, Advocate (SR-28[I] dated 02/01/2020)
+1 CC to M/s.A.N.RAMANATHAN, Advocate (SR-53[I] dated 02/01/2020)

COPY TO:
THE SUPERINTENDENT OF POLICE (RURAL),
TRICHY.

ORDER
IN
CRL OP(MD) No.19119 of 2019
Date :02/01/2020

PNN
JM/VR/SAR /02.01.2020/3P/9C

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