

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.05.2021

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CRL.OP.No.8608/2021

R.Sivan

.. Petitioner

Versus

State rep.by

The Sub Inspector of Police
E7 Kandachipuram Police Station,
Villupuram District.

... Respondent

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to pass an order to release the petitioner on bail in Crime No.186/2021 on the file of the respondent police and the petition may be allowed.

For Petitioner : Mr.M.Premkumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

- (1) The petitioner, who was arrested on 21.04.2021 for the offences punishable under Sections 420 and 506[ii] of IPC in Crime No.186/2021 on the file of the respondent police, seeks bail.
- (2) It is a novel case of cheating of rice pulling. The case of the prosecution is that the defacto complainant is said to have parted with money to the tune of Rs.12 Lakhs to the petitioner/accused and when the complainant demanded the money back, he was kidnapped, man-handled and criminally intimidated. Hence, the complaint.
- (3) This Court has considered the rival submissions and also the materials placed.
- (4) A perusal of the First Information Report reveals that even the complainant knew that he parted with the money for the purpose of doing the illegal business of 'rice pulling' and that he was cheated by the petitioner. It appears that there is a counter case filed in Crime NO.185/2021 against the defacto complainant by the very same respondent police.

- (5) Considering the facts and circumstances of the case and also the fact that the petitioner is in custody from 21.04.2021, this Court is inclined to grant bail to the petitioner.
- (6) Accordingly, 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 learned Judicial Magistrate, Tirukoilur and on further condition that:
- a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.
 - b) the petitioner shall report before the respondent police daily at 10.30 am. and 5.00 p.m, until further orders.
 - c) the petitioner shall not abscond either during investigation or trial.
 - d) the petitioner shall not tamper with evidence or witness either during investigation or trial.
 - e) 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]**.
 - f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
12/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
TIRUKOILUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT. (FOR INFORMATION)

3 THE SUB INSPECTOR OF POLICE,
E7 KANDACHIPURAM POLICE STATION,
VILLUPURAM DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, KALLAKURICHI.

5 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS, MADRAS.

+1 CC to M/S.M.PREMKUMAR Advocate on payment of necessary
charges SR.No. 6069

CRL OP.8608/2021

Date :12/05/2021

rg.13.05.2021



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