



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.16051 of 2021

Ulaganathan

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by Station Head Officer,
District Crime Branch,
Cuddalore Police Station,
Cuddalore District.
(Crime No.10 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.10 of 2021 on the file of the respondent police.

For Petitioner : Mr.C. Mahendran

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1.Side)

ORDER

The petitioner who was arrested on 16.07.2021 and remanded to judicial custody for the offences under Sections 406 and 420 of IPC, in Crime No.10 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused induced the defacto complainant that they will secure Government Job and thereby totally received a sum of Rs.9,00,000/- from him. Thereafter neither secured the job nor returned the money. Hence, the law enforcing agency registered a case against the petitioner and other accused.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 16.07.2021. He further submits that with regard to F.I.R this petitioner only received a sum of Rs. 1,00,000/- from the defacto complainant. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights,



the petitioner is ready to deposit the amount of Rs.1,00,000/- to the credit of the crime number and also conceded the same may be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant an affidavit of undertaking may be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.1,00,000/- shall be returned to the petitioner. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that the period of incarceration suffered by the petitioner and there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

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 at Tittakudi and Cuddalore District, and on further condition that:

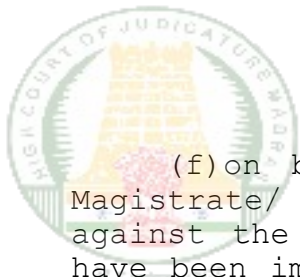
(a) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Cr.No.10 of 2021 before the learned Judicial Magistrate, Tittakudi and Cuddalore District, within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the learned Judicial Magistrate, Tittakudi and Cuddalore District, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.1,00,000/- deposited by the petitioner to the credit of Cr.No.10 of 2021 will be returned to the petitioner.

(b) 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;

(c) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;



(f) 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

This Order will not be applicable to the other co-accused persons who have involved in this case.

-sd/-

06/09/2021

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,
TITTAKUDI AND CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 STATION HEAD OFFICER,
DISTRICT CRIME BRANCH,
CUDDALORE POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL JAIL AT CUDDALORE,
CUDDALORE DISTRICT.

CC to M/S.C.MAHENDRAN Advocate on payment of necessary charges
SR.9608

CRL OP.16051/2021

Date :06/09/2021

RVR 07/09/2021