



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.138 of 2021

Kamaraj

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Central Crime Branch,
Madurai.
Crime No.53 of 2019.

... Respondent

For Petitioner : Mr.Jameel Arasu.B,
Advocate.

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

For Intervener : Mr.R.Senthil Kumar
Advocate

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

PRAYER :- For Bail Crime No.53 of 2019 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested by the
respondent police on 08.12.2020 for the offences punishable under
Sections 406 and 420 of IPC, in Crime No.53 of 2019, on the file of
the respondent police, seeks bail.

2.This Court by order dated 07.01.2021, considering the fact
that the issue could be resolved by way of mediation as well as the
period of incarceration, granted interim bail to the petitioner to
appear for mediation. Thereafter, both the petitioner and the
defacto complainant appeared before Mr.S.Arunkumar, Mediator and the
Mediation completed on 26.02.2021 and sent a report before this
Court. From the mediation report, it is seen that no agreement
could be reached. Thereafter, the interim bail granted to the
petitioner and the same had been extended periodically. The defacto
complainant had produced the photographs, wherein, the petitioner
put up huge house.



3.The contention of the petitioner is that the petitioner was a school teacher, who was terminated from service, due to the above case. He admitted that there was a business transaction between the petitioner and the defacto complainant. There is no dispute with regard to the business transaction between them, the dispute is with regard to the non repayment of money by the seven person, who were introduced doing business with the defacto complainant. He further submitted that by using housing loan, the construction was carried out and facing difficulty in repayment of money for the construction work of the house.

4.On the last occasion, the defacto complainant had fairly submitted that he wanted only the money to be deposited to the credit of Crime Number and not to be handed over to him and further apprehension is that the petitioner is doing regular business in Singapore.

5.Earlier, the learned counsel appearing for the petitioner submitted that a sum of Rs.5 lakhs can be deposited and passport will be produced and kept in lower Court.

6.When the case was listed today, the learned counsel appearing for the petitioner submitted that the offer given by him was on his own and his client is not accepting. Further, he is willing to surrender his passport and also made a technical plea that the investigation completed and charge sheet filed. Hence, keeping the petitioner in confinement will not serve in any purpose and sought bail.

7.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioner is having other properties. The contention of the petitioner is that he and his relations are living under the same roof is not correct.

8.On a perusal of the materials available on records, it is seen that the petitioner now attempting to wriggle out of the situation on the pretext and taking advantage of the fact that the investigation completed, charge sheet filed.

9.In view of the above, finding the intention of the petitioner not proper and taking different stand this Court is not inclined to extend the interim bail, which was granted on the undertaking that the dispute to be resolved. Hence, the interim bail already granted on 07.01.2021 is cancelled.

10.Accordingly, this Criminal Original Petition stands dismissed. However, the petitioner is directed to surrender before the Superintendent, Central Prison, Madurai on or before 07.04.2021, failing which, the respondent police is directed to secure the petitioner. Further, the respondent Police is directed to produce the petitioner before the court then and there, without any delay. The trial



court is directed to complete the trial within a period of four months from the date of receipt of a copy of this order.

sd/-
31/03/2021

/ TRUE COPY /

WEB COPY

/ /2021

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

vsg

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

COPY TO:

THE REGISTRAR(JUDICIAL) I/C
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1cc to Mr.B.Jameel Arasu, Advocate Sr.NO.2759
+1cc to Mr.R.Senthil Kumar, Advocate Sr.No.2750

ORDER
IN
CRL OP(MD) No.138 of 2021
Date :31/03/2021

NR/VR/SAR-1(01.04.2021) 3P:9C