



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

Date : 04/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3383 of 2021

Ponarasu

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Amathur Police Station,
Virudhunagar District,
Crime No.20/2021.

... Respondent/Complainant

For Petitioner : Mr.Niranjana S.Kumar,
Advocate.

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

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

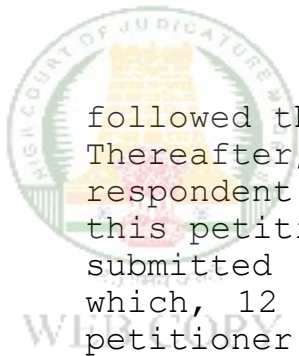
PRAYER :- For Bail in Crime No.20 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 07.02.2021 for the offences punishable under Sections 120(B), 406, 420 and 511 of IPC, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 07.02.2021 at about 06.00 a.m., near Pavali Vilakku of Virudhunagar, the petitioner and other accused persons conspired among themselves to commit criminal breach of trust and cheating and they are tried to sell the copper pot as if it is iridium and attempted to cheat the public. Hence, a complaint.

3.The learned counsel for the petitioner would submit that the First Information Report itself is highly artificial. The First Information Report has been given by one Muthukumar, who is a Auto Riksha Driver. The narration of the First Information Report clearly shows that two persons were planning to sell the copper pot termed as iridium and to cheat the public and the de-facto complainant by a chance, over heard the same and thereafter, he



followed them, found all the accused are entering into Nandha Hotel. Thereafter, the de-facto complainant lodged a complaint before the respondent police. None of the accused name have been mentioned and this petitioner has been arrayed as accused in this case. He further submitted that totally there are 14 accused in this case, out of which, 12 accused have been arrested and released on bail and the petitioner only attempted to sell the copper pot termed as iridium and except this allegation, no overt act attributed against him.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that totally there are 14 accused in this case and some of the accused are absconding and later, some where apprehended. This petitioner was arrested on 07.02.2021 and in his confession, he had clearly narrated about the other accused involvement and the role of the petitioner, attempted to sell the metal as a iridium and to cheat the public taking advantage of the situation. Further in this case, one metal, one innova Car, four documents and 17 cell phones have been seized. The investigation is yet to be completed.

5.Considering the submissions and perusal of the records, it is seen that the petitioner only attempted to sell the copper pot termed as iridium and except this allegation, no overt act attributed against this petitioner and further, one metal, car, mobile phone and other articles have been seized in this case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following 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 No.II, Virudhunagar.

i) 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.

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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. Suresh vs. State of Kerala* [(2005)AIR SCW 5560].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
04/03/2021

/ TRUE COPY /

WEB COPY

/ /2021

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.II, VIRUDHUNAGAR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE OFFICER INCHARGE, DISTRICT PRISON,
VIRUDHUNAGAR.
4. THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/s.NIRANJAN S.KUAMR, Advocate (SR-1767[I] dated 04/03/2021)

ORDER
IN
CRL OP(MD) No.3383 of 2021
Date :04/03/2021

SJI
MS/VR/SAR-4/05.03.2021/3P.7C