



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9554 of 2021

Naveen

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch,
Karur District.
(Crime No.19 of 2020)

... Respondent/Complainant

For Petitioner : Mr.J.Sulthan Basha, Advocate.
For Respondent : Mr.Antony Sahaya Prabahar,
Additional Public Prosecutor.

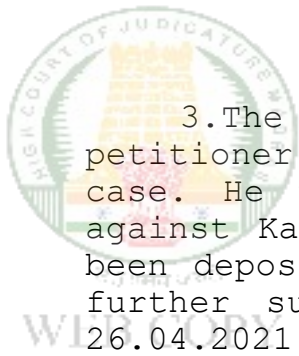
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.19 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 29.06.2021 for the offences punishable under Sections 406,420 and 468 of IPC in Crime No.19 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused Karthik introduced himself to the defacto complainant as employee of the bank in Mogappair and he can secure employment in Central Government. He told the defacto complainant to pay Rs.20 lakhs for getting employment in Railway Department. Believing his words, the defacto complainant sent his son along with Karthik to Delhi on 19.01.2019. He was informed that the selection process was over and order will be sent through post. The Sub Inspector of Police also visited their house and made enquiries. Thereafter the defacto complainant also deposited a sum of Rs. 2,00,000/- ,Rs.1,15,000/- Rs.28,200, Rs.6,600, Rs.49,500/- on various dates in the account of Naveen vide account No.253401506657. He has also deposited Rs. 49,500/- in the account of Jothi vide account No. 10032011738 and he has also deposited a sum of Rs.48,000/- in the account of Karthick. Totally amount deposited comes around Rs.6,70,000/- Later the appointment order turned out to be forged, hence the case came to be



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the main allegation is only against Karthik and he had only transferred the amount which has been deposited in his account to the account of Karthik. He would further submit that the petitioner is in judicial custody from 26.04.2021. He would also submit that the petitioner is an employee of Tata Consultancy Services, at Bangalore and he is not involved in the allegation of cheating. He would also submit that in order to show his *bona fide* without prejudice to his rights he is ready to deposit a sum of Rs.3,00,000/- to the credit of this Crime Number. He would further submit that first accused in this case was arrested and released on bail, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed.

5. It is seen from the submissions made that a sum of Rs.6,70,000/- was said to have been received from the defacto complainant by the accused persons on the promise of getting employment.

6. Taking into consideration the factual aspects of the case and also the fact that the petitioner is ready to deposit a sum of Rs.3,00,000/- to the credit of Crime Number and the fact that the petitioner is in judicial custody from 29.06.2021, this Court is inclined to grant bail to the petitioner.

7. 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, Karur 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 is directed to deposit a sum of **Rs.3,00,000/- (Rupees Three lakhs only) to the credit of Crime No.19 of 2020 before the** learned Judicial Magistrate No.II, Karur without prejudice to his rights and contentions before the trial Court;

[c]the learned Judicial Magistrate No.II, Karur is directed to pass appropriate orders with regard to the disbursal of the amount at the time of final disposal of the case.

[d] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.



[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

WEB COPY [g] 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

26/07/2021

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

ORDER

IN

CRL OP(MD) No.9554 of 2021

Date :26/07/2021

AAV

MK/JM/SAR.I/26.07.2021/2P/6C

<https://hcservices.ecourts.gov.in/hcservices/>