



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10504 of 2021

Krishnakumar

... Petitioner/Accused No.4

Vs

The State rep.by,
The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
Crime No.72 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Satheshkumar,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.72 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested on 04.06.2021 for the offences punishable under Sections 420 I.P.C and 66D of Information Technology (Amendment) Act, 2008, in Crime No.72 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with three other accused have approached the defacto complainant and others that they would arrange loan for them and received a sum of Rs.7,600/- each as advance and thereafter, cheated them. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him. He would also submit that the petitioner is in jail for more than 60 days, hence he may be granted bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent, on instructions, would submit that investigation is



pending. He would further submit that accused nos.1 and 3 were granted bail by the Court of Sessions under Section 167(2) Cr.P.C.

5.Taking into consideration the facts and circumstances of the case, the fact that the co-accused A1 and A3 were granted bail by the Sessions Court and that the petitioner is in prison from 04.06.2021, 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 No.I, Sivakasi and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily **at 10.30 a.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/-
05/08/2021

/ TRUE 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.1
SIVAKASI.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.

4 THE INSPECTOR OF POLICE,
MARANERI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10504 of 2021

Date :05/08/2021

MSA

MK/VR/SAR.I/05.08.2021/3P/6C