



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05.10.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14115 of 2021

Uma Mahesan

... petitioner/Accused No.4

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(Crime No.10 of 2021) ... Respondent/Complainant

For petitioner : Mr.N.Anandkumar, Advocate for
Mr.V.Malaiyendran, Advocate .
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

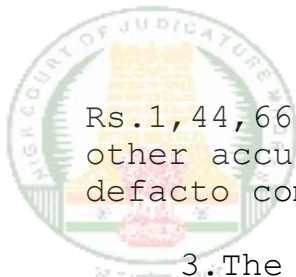
PRAYER :-For Bail in Crime No.10 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested on 01.09.2021 for the offence under Sections 406, 465, 467, 468, 471`, 472, 420 and 120(B) I.P.C, 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 and other accused criminally conspired to cheat the defacto complainant. According to their conspired plan, accused no.1 gave assurance to the defacto complainant that he will help him in clearing and forwarding business at Thoothukudi Port and Chennai, based on which, accused no.1 was appointed as sales representative of the defacto complainant. Later, by using the name of Hi Tech Fly Ash India Private Limited and Orient Container Lines Company in the name of some other persons as if they belong to accused nos.2 and 3, they created a forged document. At the instigation of accused nos. 1 to 3, accused no.4 opened an account in IDBI Bank at Thoothukudi Branch. Later, the defacto complainant transferred Rs.2,69,50,236/- to the account of accused no.4. Subsequently, the said amount was withdrawn by accused nos.1 to 3 and they have repaid

<https://hds.ces.ecourts.gov.in/> of Rs.1,24,83,300/-.The balance amount of



Rs.1,44,66,936/- was not repaid and thereby, the petitioner and other accused committed the criminal breach of trust and cheated the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not indulged in any kind of offences as alleged by the prosecution. During the year 2018, the petitioner was working in M/s.Vel Logistic Company at Thoothukkudi and at that time, the bank account was opened in the name of the petitioner for the company's bank transactions and the mobile number which was given for the said account is also belonging to the said Company. In February 2019, the petitioner left the job and he was not aware of the transactions made in that bank account and the mobile number also does not belong to the petitioner. He further submitted that the petitioner has no knowledge about the transaction made in his account, since the mobile number is not belonging to the petitioner and he did not receive any message. The petitioner is inside the prison from 01.09.2021 and hence, he seeks for grant of bail.

4.The learned counsel for the petitioner further submitted that the correct name of this petitioner is Uma Mahesan. Even without ascertaining the same, the respondent police has mentioned the name of the petitioner as Uma Maheshwaran.

5.The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigation is yet to be completed.

6.Though the petitioner's name was mentioned in the FIR as Uma Maheshwaran instead of Uma Mahesan, considering the facts and circumstances of the case, the allegation levelled as against the petitioner and the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Thoothukudi District 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with the evidence or
<https://hseviceports.gov.in/hsevice> during investigation or trial.



[d] the petitioner shall not abscond 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 229-A IPC.

sd/-

05/10/2021

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/ /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.IV,THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THOOTHUKUDI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1 CC to Mr.V.MALAIYENDRAN, Advocate (SR-6907[I] dated 05/10/2021)
ORDER
IN
CRL OP(MD) No.14115 of 2021
Date :05/10/2021

PNM/MSA

MK/SKN/SAR.I/05.10.2021/3P/7C

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