



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16902 of 2021

Thirumal Muthu,

... Petitioner/Accused No.3

Vs

State Rep by,
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(Crime No. 28/2021)

... Respondent/Complainant

For Petitioner : MR.V.Angusamy, Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

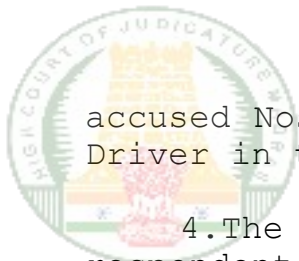
For Bail in Crime No. 28 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.3, who was arrested on 07.10.2021 for the offence under Sections 406, 465, 467, 468, 471, 472, 420 and 120-B of IPC, in Crime No.28 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.11.2020, the accused Nos.1 & 2 and the petitioner have received an amount of Rs.2,00,000/- from the defacto complainant to secure job in the Government and they have issued fake appointment order. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is also a victim at the hands of the accused



accused Nos.1 and 2 in the name of the petitioner appointing him as Driver in the Panchayat Union and hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner has acted as Agent, introduced 21 persons to the accused No.1 and 2 and issued fake orders.

5.Considering the facts and circumstances of the case, that the petitioner was cheated by the accused No.1 and 2, the stage of the case and also the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6. 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. and 05.30 p.m., until further orders and co-operate with the Investigation Agency;

[c] the petitioner shall not tamper with the evidence or witness either 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/-

01/11/2021

/ TRUE COPY /

/ /2021

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

ssb

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



TO

1 THE JUDICIAL MAGISTRATE NO.IV,
THOOTHUKUDI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

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

4 THE OFFICER INCHARGE,
PERURANI DISTRICT PRISON,
THOOTHUKUDI.

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

ORDER
IN
CRL OP(MD) No.16902 of 2021
Date :01/11/2021

PKP/JM/SAR-1/01.11.2021/3P/6C