



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18725 of 2021

Kumaresan

... Petitioner/Accused No.4

Vs

The State rep.by,
The Inspector of Police,
Virudhunagar CCD III Police Station,
Virudhunagar District.
(Crime No.6 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.Santhanam Rajeshkumar,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

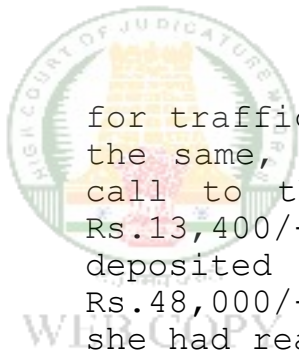
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.6 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who was arrested and remanded to judicial custody on 08.10.2021 for the offence punishable under Sections 420, 465 of IPC and Section 66 of (D) of I.T Act, in Crime No.6 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 01.08.2021, before the house of the defacto complainant, two unnamed persons were selling various clothes and she also purchased some clothes on believing the words of them that those purchased the clothes from them would also get the prizes and for that purpose she gave her phone number to them. On the very next day, she got a phone call that she won a Hot Box for which, they insisted to pay a sum of Rs.1000 and she also paid the same and got that prize. Again she got a phone call from them that she won a two wheeler and one gold coin and again insisted to pay a sum of Rs. 18,000/- in cash in Union Bank A/c.No.5633602010006916. She also paid the same. On 03.08.2021, she got a phone call that the scooter was seized by the police



for traffic violation and asked her to pay Rs.15,600/- and believing the same, she deposited that amount. Then, they again made a phone call to the defacto complainant and asked her to pay a sum of Rs.13,400/- for getting a two wheeler and a gold coin and she deposited that amount also. Totally, she has deposited a sum of Rs.48,000/-. Thereafter, there is no response from them. Then only she had realised that they cheated her. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that totally Rs.48,000/- was cheated by the accused and out of Rs.48,000/-, Rs.45,000/- was recovered and only balance amount of Rs.3,000/- has to be recovered and the petitioner is not having any previous case.

5.Considering the nature of the offence alleged and considering the fact that the petitioner is in judicial custody from 08.10.2020, that the petitioner is not having any previous case for serious offences and that except Rs.3,000/-, remaining amount has already been recovered, 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.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Virudhunagar, and on further conditions that;

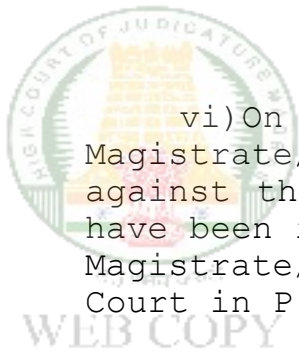
i) the petitioner shall deposit a sum of **Rs.5,000/- [Rupees Five Thousand only]** to the credit of Crime No.6 of 2021 before the trial court, within a period of two weeks from the date of receipt of the order copy.

ii)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.

iii)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of one month and thereafter as and when required for interrogation.

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

v)the petitioner shall not abscond during trial.



vi) 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].

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

sd/-

29/11/2021

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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.I,
VIRUDHUNAGAR.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE,
THE SUB JAIL, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE
VIRUDHUNAGAR CCD III POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.18725 of 2021

Date :29/11/2021

dss

MK/VR/SAR.II/29.11.2021/3P/6C