



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.18911 of 2021

Dhilipan

... Petitioner/Accused No.2

Vs

The State rep.by,
The Sub Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
in Crime No.40/2021.

... Respondent/Complainant

For Petitioner : Mr.M.Jothibas, u,
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.40 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 08.11.2021 for the offence punishable under Sections 406, 420, 465, 468, 470 of IPC, in Crime No.40 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that by promising to secure a job in 'Food Corporation of India' all the accused persons joined together and received a sum of Rs. 18 lakhs from the defacto complainant and thereafter, failed to secure the job and also failed to return the above said amount. Thereby, cheated the defacto complainant.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution, he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 08.11.2021 and A1 was not arrested till date. Hence, he

<https://hccs.ecourt.gov.in/tosearch> the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is not having any previous case and A1 & A3 were absconded.

5.Even as per the contents of the First Information Report, the petitioner was only the person present when the amount was handed over to the first accused. Neither the petitioner nor the other accused have no role in this issue. The issue is only between the first accused and the defacto complainant.

6. On perusing the entire CD file, it shows that even before the First Information Report, there was an agreement between one Balamurugan, who is the father of the defacto complainant. Wherein, it has been stating that the first accused has promised to return Rs.18 lakhs that was received from the defacto complainant in instalments. In that agreement, it appears that the the petitioner and the third accused signed as witness. Subsequent to that, it was not complied by the first accused. So, the First Information Report has been registered on 07.02.2021, stating that the petitioner was also present when the money was handed over to the first accused and the petitioner along with the third accused, received the same.

7. But, a reading of the above said agreement does not show that the petitioner was involved in the above said transaction between the defacto complainant and first accused.

8.Only on the above said ground, this Court is inclined to grant bail to the petitioner subject to the following conditions:

9.Accordingly, the petitioner is ordered to be released on bail, on executing a personal 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 Court No.I, Virudhunagar, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
09/12/2021

/ 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 COURT NO.I,
VIRUDHUNAGAR.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI..

4 THE SUB INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-9014[I] dated
09/12/2021)

ORDER

IN

CRL OP(MD) No.18911 of 2021

Date :09/12/2021

dss

MK/PN/SAR.II/10.12.2021/3P/7C