



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/12/2021

PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.20961 of 2021

ISSAC IMMANUEL

...PETITIONER/ACCUSED NO.1

VS

STATE REPRESENTED BY
THE SUB-INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.149 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.M.Maran,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Criminal)

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

PRAYER :-

For Bail in Crime No.149 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 09.11.2021 for the offences punishable under Sections 406 and 420 IPC in Crime No.149 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused were doing calendar agents, that the defacto complainant came to know that they have been taking orders from various companies and supplied calendars through them, that the defacto complainant approached the petitioners through phone and got orders from them for the supply of calendars and the defacto complainant supplied calendars as per the order given by them, that in the transaction the petitioner and other accused should be paid a sum of Rs.4,22,025/- to the defacto complainant, that the petitioner and other accused did not pay the said amount and further cheated the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is in judicial custody from 09.11.2021. He would further submit that after filing petition in Cr.M.P.No.874 of 2021 under Section 156(3) Cr.P.C., the respondent police registered a case against the petitioner.

4.The learned Government Advocate (Criminal) appearing for the respondent police would submit that the amount involved in this case is Rs.4,22,025/- and that the investigation is still pending.

5. Taking into consideration all these facts and also considering the period of incarceration, 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.II, Sivakasi, Virudhunagar District and on further condition that

i)the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No. 149 of 2021 on the file of the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District on or before 10.01.2022 without prejudice to his rights and contentions. If the petitioner fails to deposit the said amount within the specified time, the bail granted by this Court stands automatically cancelled.

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 am., for a period of thirty days 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/12/2021

WEB COPY

/ TRUE COPY /

29/12/2021

Sub-Assistant Registrar (C.S.IV)
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.II,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE OFFICER-INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
4. THE SUB INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.20961 of 2021
Date : 29/12/2021

USK/CK/SAR-IV/ (29.12.2021) 3P 6C