



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

WEB COPY

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.6344 of 2022

1. Rajesh
2. Dilipkumar

.. Petitioners

Vs.

State rep. by
The Inspector of Police,
Kallakuruchi Police Station.
(Crime No.71 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner in connection with Crime No.71 of 2022 on the file of respondent police.

For Petitioner : Mr.A.Kalaiazhagan

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioners, who were arrested on 05.02.2022 for the offences punishable under Sections 420 of IPC in Crime No.71 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners printed posters offering to provide employment, full time and part time with the offer of paying of Rs.8000/- to Rs.25,000/- for those who have completed 8th, 10th, ITI, Diploma and any degree. The defacto complainant in this case parted with Rs.5000/- on the promise made by the petitioners to get employment and that had not happened. Therefore, this case.

3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated in this case and the petitioners are in judicial custody from 05.02.2022. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the petitioners have similar cases of this nature, wherein also the petitioners collected a sum of Rs.10,000/-.



5. The submissions made by the learned Counsel on either side are considered.

6. Considering the facts and circumstances of the case, the submissions made by both counsel and also the period of incarceration undergone by the petitioner and the investigation is substantially completed, this Court is inclined to grant bail to the petitioners with conditions.

(a) the petitioners shall deposit a sum of Rs.5,000/- (each) (Rupees Five Thousand only) to the credit of Crime No.71 of 2022 and on such deposit, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (each) (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate No.I, Kallakurichi;

(b) the Learned Judicial Magistrate No.I, Kallakurichi, shall pass appropriate order for disbursing this amount at the end of trial;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

18/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE,
NO. I, KALLAKURICHI

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KALLAKURUCHI POLICE STATION,
VILLUPURAM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

CC to M/S.A.KALAIAZHAGAN Advocate on payment of necessary
charges Sr.4166

CRL OP.6344/2022

Date :18/03/2022

RVR 18/03/2022