



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.14256 of 2022

1.Palakadaisiva @ Sivaraj
2.Sekar @ Gnansekar

..Petitioners/A1 & 4

Vs.

The State Rep. by
The Inspector of Police,
Udumalpet Police Station,
Tiruppur District
crime No.280 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in crime No.280 of 2022 on the file of the respondent police.

For Petitioners : Mr.D.R.Arun Kumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 24.05.2022 for the offence punishable under Section 420 of IPC in crime No.280 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that the defacto complainant is running a chicken shop in Udumalpet and in order to extract money from him under the guise of selling iridium, which is believed to brighten the financial status of a person who is in possession of the same, the accused persons received Rs.2,00,000/- and thereafter cheated him. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of bail to the petitioners.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally four accused, in which the petitioners are A1 and A4. He would further submit that the accused persons received Rs.2,00,000/- from the defacto complainant on promise that they will give iridium. However, they did not give the same and even they did not return the money. Hence, he vehemently opposed to grant bail to the petitioners.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioners. Accordingly, each of the petitioners is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.280 of 2022 on the file of respondent police and on such deposit, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Udumalpet and on further conditions 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 Aadhar card or Bank pass Book to ensure their identity.

[b] each of the petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.280 of 2022 on the file of the respondent police, before the concerned Magistrate.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned 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 petitioners 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].



[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

21/06/2022

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, UDUMALPET

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, UDUMALPET

CC to M/S. D.R.ARUN KUMAR Advocate on payment of necessary charges Sr.9652

CRL OP.14256/2022

Date :21/06/2022

RVR 22/06/2022