



Crl.O.P.No.22511 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.22511 of 2022

1. Sekar
2. Murugan
3. Ragunath
4. Jagadeesh

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Vadalur Police Station,
Cuddalore District.
Crime No.446 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.446 of 2022 on the file
of the Inspector of Police, Vadalur Police Station, Cuddalore District.

For Petitioners : Mr.S.Silambuselvan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 23.08.2022 for the offences punishable under Sections 120(B), 406, 420 and 508 of I.P.C., in Crime No.446 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with the other accused in the guise of Sivanadiyars entered into the house of the defacto complainant and had told him that his time is bad and in order to conduct Pooja, they have demanded an amount of Rs.45,000/- and that the defacto complainant was not having the said amount, he had paid only a sum of Rs.3,000/- to them. Later, it was found that they are not Sivanadiyars. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and due to obvious reasons, a false complaint has been given as against the petitioners and they were arrested. He would also submit that the petitioners did not have any previous case as against them and that they are in custody for the past one month. Therefore, he prays



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for grant of bail to the petitioners.

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4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners have projected themselves as Sivanadiyars and in the guise of helping the defacto complainant in conducting Pooja, they cheated the defacto complainant and taken an amount of Rs.3,000/- from him. He would also submit that the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioners.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and the petitioners are in custody from 23.08.2022, this Court is inclined to grant bail to the petitioners.



7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 District Munsif cum Judicial Magistrate, Kurinjipadi**, 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] the petitioners shall report before the respondent Police, daily at 10.30 a.m. until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] 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



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in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

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

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To

1. The District Munsif cum Judicial Magistrate,
Kurinjipadi.
2. The Inspector of Police,
Vadalur Police Station,
Cuddalore District.
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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