



Crl.O.P.No.23820 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

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M.Muruga

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
City Crime Branch,
Coimbatore.
(Crime No.16 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.16 of 2022, on the file of the respondent Police.

For Petitioner : Mr.D.Ashok Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 11.08.2022, for the offences punishable under Sections 120(b), 406, 420,
465 & 468 of IPC in Crime No.16 of 2022 on the file of the respondent



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police, seeks bail.

2. The case of the prosecution is that the petitioner colluded with the other accused in the guise of running a company in the name of New Jobs Placement Services Ltd for securing jobs in Railways, had obtained a sum of Rs.10 lakhs from the defacto complainant and cheated the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be known to the other accused. He would further submit that the other accused had induced the petitioner to receive money, based on that the petitioner had received money and had handed over the same to A2 and A3. He would also submit that coming to know that the defacto complainant was cheated by A2 and A3, the petitioner had repaid the commission amount of Rs.2.83 lakhs to the father of the defacto complainant and that the petitioner has also preferred a complaint against A3. Only after coming to know that there was money transfer to A3, A3 has also been



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implicated in this case based on the information given by the petitioner.

Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with the other accused induced the defacto complainant in getting job in Railways and had taken a sum of Rs.10 lakhs and cheated the defacto complainant. He would also submit that the petitioner had also repaid an amount of Rs.2.83 lakhs to the father of the defacto complainant. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the fact that the petitioner has repaid an amount of Rs.2.83 lakhs to the father of the defacto



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complainant and also the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 Judicial Magistrate No.7, Coimbatore**, 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 petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, on every Monday and Friday at 10.30 a.m., until further orders;

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

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

[e] On breach of any of the aforesaid conditions,



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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]***;

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

30.09.2022

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To

1. The Judicial Magistrate No.VII, Coimbatore.
- 2.The Inspector of Police,
City Crime Branch,
Coimbatore.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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