



Crl.O.P.No.23787 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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Murugan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CBCID Police Station,
Puducherry.
(Crime No.28 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to release the petitioner on bail in connection Crime No.28 of 2022,
pending on the file of the respondent Police.

For Petitioner : Mr.A.Prakash

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Puducherry)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 14.09.2022, for the offences punishable under Sections 342, 354, 323,



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370(1)(2), 420, 506(ii) of IPC r/w Section 34 of IPC in Crime No.28 of 2022

on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused induced the defacto complainant on the promise of securing her a job in Combodia, received a sum of Rs.3,25,000/- from her and thereafter, they had taken her to Combodia on tourist Visa and cheated her. The further allegation is that the accused had compelled the defacto complainant to work in an illegal job. Later with great difficulty, the defacto complainant had come back to India. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been trapped by the other accused. He would also submit that believing A2, the petitioner had received a sum of Rs.3,25,000/- from the defacto complainant and the entire money has been transferred to the account of A2. However, he would further submit that without prejudice to his contentions, the petitioner undertakes to deposit a sum of Rs.1,50,000/- to the credit of the Crime No.28 of 2022. He would also state that the petitioner has no other case as against him. He would also



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reiterate that the petitioner himself is a victim. 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 in collusion with the other accused induced the defacto complainant on the promise of getting her job in Cambodia, had received a sum of Rs.3,25,000/- from her and taken her to Cambodia on tourist Visa and had compelled her to do illegal work and when it was refused by the defacto complainant, the petitioner along with the other accused harassed her at Cambodia and later, with great difficulty, the defacto complainant had come back to India. He would further reiterate that there are no previous cases as against the petitioner and A2 is still absconding and the anticipatory bail in respect of A2 has been dismissed by this Court. Therefore, 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.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and that the petitioner had volunteer to deposit a sum of Rs.1,50,000/- to the credit of the Crime No.28 of 2022 and he also undertakes to cooperate with the investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to **deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the credit of the Crime No.28 of 2022** and on such deposit, 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-II, Puducherry**, 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



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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 also deposit his passport before the learned Magistrate (in the event if he do not posses any passport, he shall file a necessary affidavit to that effect);

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

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

[f] 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]*;

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

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To

1. The Judicial Magistrate No.II, Puducherry.
- 2.The Inspector of Police,
CBCID Police Station,
Puducherry.
3. The Central Prison,
Kalapet, Puducherry.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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