



Crl.O.P.No.26415 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

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

Crl.O.P.No.26415 of 2022

Palanisamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
District Crime Branch Police Station,
Dharmapuri.

(Crime No.09/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.09
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.Balamurugan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.09.2022 for the offences punishable under Sections 166 and 420 of IPC, in Crime No.09 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Umarani is that the accused had induced the defacto complainant on the guise of obtaining a job for her husband in Agriculture Department and received an amount of Rs.20 lakhs and cheated her. The further allegation is that as per the directions of the defacto complainant, the money was deposited to the account of one Master Engineering belonging to the brother of the first accused. Hence the complaint.

3.The learned counsel for the petitioner would submit that he is an innocent person and he has been falsely roped into this case. He would submit that the petitioner is working as an Additional Director in Agriculture Department and there was a money dispute between the defacto



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complainant's brother and the petitioner's brother, who is running a business in the name of Master Engineering Company. The defacto complainant even admittedly had also paid the amount to the account of Master Engineering and since the petitioner's brother did not repay the amount, the petitioner has been unnecessarily implicated in this case. He would further submit that if the allegations are true, the part of the amount was deposited into the account of the brother of the petitioner and the cash was paid to one Shanmugavel and they should also have been added as accused in this case whereas they have not been added as an accused so far. He would reiterate that an innocent person has been unnecessarily roped in this case and the petitioner is now placed under suspension and he is suffering incarceration from 29.09.2022 and therefore, he prays for grant of bail to the petitioner.

4.The learned Government Advocate would submit that the petitioner who is Additional Director in Agriculture Department had induced the defacto complainant and in the guise of obtaining a job for her husband in the Agriculture Department, has taken an amount of Rs.20 lakhs from her and out of which, Rs.10 lakhs was deposited in the account of the brother of the petitioner and another Rs.10 lakhs was handed over to one Shanmugavel,



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as per the directions of the petitioner. He would further submit that the investigation is still pending and thereby, he opposed for grant of 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.

6.Taking into consideration the facts and submissions of the learned counsel and also considering the period of incarceration undergone 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.II, Dharmapuri** and on further conditions that:



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[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., until further orders;

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

[d] the petitioner shall not abscond 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 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 absconds, a fresh FIR can be registered under Section 229A IPC;

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A.D.JAGADISH CHANDIRA,J.

Vkr

To

1. The Judicial Magistrate No.II, Dharmapuri
- 2.The Inspector of Police,
District Crime Branch Police Station,
Dharmapuri.
- 3.The Sub Jail,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.

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