



Crl.O.P.No.27961 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

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

Crl.O.P.No.27961 of 2022

N.Gowtham

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Velur Police Station,
Namakkal District.

(Crime No.314 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the Petitioner on bail in Crime No.314 of 2022 dated 23.09.2022 on the file of the respondent Police.

For Petitioner : Mr.K.Rajesh

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 23.09.2022, for the offences punishable under Sections 419, 496 & 420 of IPC, in Crime No.314 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Dhanapal is that he was looking out for a bride, during such time, A1 to A5 approached him saying that they are marriage brokers and have introduced A6 stating that she is a bride and the accused had obtained brokerage for a sum of Rs.1,50,000/-. On 05.09.2022, marriage was performed between the de-facto complainant and A6 and within two days of marriage, A6 left the de-fact complainant and later, it was found that the accused have made a fake marriage proposal and received amount from de-facto complainant and escaped. Hence the case.

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. He would further submit that the petitioner is a taxi driver and the



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taxi was engaged by the other accused saying that they have come to attend wedding and believing the same, he come along with the other accused and other than that the petitioner has no connection what so ever with the other accused. He would also submit the petitioner is in custody from 23.09.2022 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner (A7), who is a Driver of the taxi along with the accused A1 to A5, who claims themselves as marriage brokers, have performed a fake marriage for the de-facto complainant with A6 and received an amount of Rs.1,50,000/- and cheated him by eloping with the amount. He would further state that there is no previous case as against the petitioner. However, he would oppose 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 of the facts and circumstances of the



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case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

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, Paramathi, Namakkal**, 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, everyday 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.

15.11.2022

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To

1. The Judicial Magistrate,
Paramathi, Namakkal.
2. The Inspector of Police,
Velur Police Station,
Namakkal District.
3. The Sub Jail,
Paramathi, Namakkal.
4. The Public Prosecutor,
High Court of Madras.



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