



CrI.O.P.No.28841 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.11.2022**

CORAM

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

CrI.O.P.No.28841 of 2022

Arumugam

... Petitioner

Vs.

State Rep. By the Inspector of Police,
District Crime Branch,
Dharmapuri,
Dharmapuri District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.10 of 2022 pending
investigation on the file of the respondent.

For Petitioner

: Mr.E.Kannadasan

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 17.10.2022 for the offences punishable under Sections 166, 420, 506(i) of IPC, in Crime No.10 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/Nirmala is that the petitioner/A1, who is working as Junior Assistant in the Agricultural Department, Dharmapuri along with her daughter-in-law one Vanitha, had induced her saying that he would obtain a Government Job for her son in the Madras High Court as Junior Assistant and received an amount of Rs.9,50,000/-. When the defacto complainant had asked for return of money, A2, who is the wife of petitioner/A1 has issued a cheque for a sum of Rs.4 lakhs and the same got bounced. Later, the defacto complainant and her daughter-in-law went to his house and asked him to return back the money, in turn, petitioner/A1 along with his wife have joined together, refused to return the amount and also threatened them saying that they will remove her daughter-in-law from the job. Hence the case.

3.The learned counsel for the petitioner would submit that the case



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of money dispute has been falsely projected as a case of cheating. Even as per the FIR, the petitioner is stated to have received money from the defacto complainant for obtaining job and when the defacto complainant demanded the amount, the petitioner's wife had issued the cheque and thereafter, threatened the defacto complainant. He would reiterate that it is a case of money dispute and this Court had granted anticipatory bail to the petitioner's wife in Crl.O.P.No.26164 of 2022 dated 11.11.2022 on condition that the petitioner's wife has to deposit the original title deed of an immovable property worth Rs.5,00,000/-(Rupees Five Lakhs) at the time of furnishing sureties. He would submit that the petitioner is in custody from 17.10.2022 for the past one month and there is no previous case pending against him. Therefore, 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 has induced and received an amount of Rs.9,50,000/- from the defacto complainant and cheated her. When the defacto complainant demanded the money, the petitioner's wife has issued a cheque for a sum of Rs.4 lakhs and thereafter, it got bounced. When



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the same was questioned by the defacto complainant, the petitioner along with his wife had threatened her and criminally intimidated her. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel, 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.50,000/- (Rupees Fifty 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:

[a] the sureties shall affix their photographs and



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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 every day at 10.30 am for a period of four weeks and thereafter every Saturday at 10.30 am 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, 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]**;



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A.D.JAGADISH CHANDIRA,J.

shk

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

24.11.2022

shk

To

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

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