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Crl.OP.No.28959 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

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

Crl.OP.No.28959 of 2022

1.Mani
2.Balamani

... Petitioners

Vs.

State rep by
The Inspector of Police,
District Crime Branch Police,
Villupuram District.
(Crime No.33 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail, pending investigation, in Crime
No.33 of 2022, on the file of the Inspector of Police, District Crime Branch
Villupuram District.

For Petitioners : Mr.Ganesh Rajan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 24.10.2022 for the offences punishable under Sections 406, 417, 420,120(B) of IPC in Crime No.33 of 2022 on the file of respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant one Thangamayil is that her father Kaliyamoorthy was a retired employee of TNEB. On 22.03.2019, one Sankaran/A1 had induced her father that he will obtain a job for the persons, who are temporarily working in the contract along with his father. Believing his words, the defacto complainant's father had collected a sum of Rs.3,00,000/- each from 27 persons and handed over it to the A1. While so, after her father passed away, the said 27 persons had demanded money from her. Therefore, she had asked A1 to return back the money and , A1 had issued promissory notes infavour of some of the persons and for remaining persons, A1 had cheated the amount. Hence, the case.

3. The learned counsel appearing for the petitioners would submit



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that the petitioners are arrayed as A2 & A3, who are husband and wife. He would submit that the petitioners had financial dealings with A1. Other than that the petitioners are no way connected with the alleged offence of Job Rocketing. He would submit that the petitioners have received a sum of Rs.28 Lakhs as a loan from A1 and they also repaid a sum of Rs.15 lakhs to the A1. He would further submit that the petitioners' names does not found placed in the FIR itself and there is no specific allegation against the petitioners as if they have involved in cheating. He would submit that the petitioners are in custody for more than a month. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that A1 had cheated 27 persons and received an amount of Rs.94,50,000/- and thereafter, from his account a sum of Rs.28 lakhs has been transferred to the petitioners' account. Later, these petitioners have repaid a sum of Rs.15 lakhs to A1. The petitioners have aided A1 in the transaction. He would submit that there is no specific allegation made against the petitioners as if they had committed the offence of cheating. However, he vehemently opposed to grant bail to the petitioners.



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

6. Taking into consideration of the fact that there is no specific allegation made against the petitioners as if they have committed the offence of cheating and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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, Ulundurpet** 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;



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[b] the first petitioner shall report before the respondent police every day at 10.30 am for a period of two weeks and thereafter every Saturday at 10.30 am and the second petitioner shall report before the respondent police every day at 10.30 am for a period of two weeks and thereafter as and when required for interrogation;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

28.11.2022

shk

To

1. The learned Judicial Magistrate No.II, Ulundurpet
- 2.The Inspector of Police,
District Crime Branch Police,
Villupuram District.
3. The Central Prison,
Cuddalore
- 4.The Cuddalore Prison for Women,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.

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