



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.31791 of 2022

M.Udayakumar

...Petitioner

Vs.

State rep. by
The Station House Officer,
Kammapuram Police Station,
Vridhachalam Taluk,
Cuddalore District.

(Crime No.202 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in Crime No.202 of 2021 on the file of the respondent police.

For petitioner : Mr.R.Sethuvarayar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 15.11.2022 for the offence under Sections 420 and 506(ii) IPC, in Crime No.202 of 2021, on the file of the respondent police seeks bail.



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2. The case of the prosecution is that the petitioner has collected money from the defacto complainant for providing job opportunity in foreign countries for a sum of Rs.2,30,000/- and subsequently did not get any job at foreign and thereby cheated the defacto complainant. Hence the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated as an accused in this case. He would further submit that so far the petitioner paid Rs.1,30,000/- to the defacto complainant on various dates. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner, in order to secure job at abroad received a sum of Rs.2,30,000/- from the defacto complainant and neither secure the job nor return the money. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, and also



taking note of the fact that investigation is completed, this Court is inclined to grant bail to the petitioner on condition that the petitioner shall deposit a sum or Rs.30,000 to the credit of Crime No.202 of 2021, within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate II, Vridhachalam**, 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 on every Tuesday and Saturday at 10.30 a.m for a period of three months and thereafter, as and when required for interrogation.

[c] the petitioner shall deposit a sum or Rs.30,000 to the credit of Crime No.202 of 2021, within a period of two weeks from the date of receipt of a copy of this order.

[d] the defacto complainant is permitted to withdraw the said amount by way of filing proper application.

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



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[f]the petitioner shall not abscond during investigation/trial;

[g]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]***; and;

[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

22.12.2022

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To

- 1.The Judicial Magistrate II, Vridhachalam.
- 2.The Station House Officer,
Kammapuram Police Station,
Vridhachalam Taluk,
Cuddalore District.
- 3.The Sub-Jail, Vridhachalam.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI,J.
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