



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.2955 of 2022

M.Dharmalingam

... Petitioner/Accused (A2)

Vs

The State rep.by,
The Sub Inspector of Police,
District Crime Branch,
Karur, Karur District.
(Crime No.28/2020).

... Respondent/Complainant

For Petitioner : Mr.R.Rajaraman,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.28/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 18.01.2021 for the offences punishable under Sections 120 (b), 406 and 420 of IPC in Crime No.28 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with the first accused received a sum of Rs.7,00,000/- from the de-facto complainant by giving false promise that he would arrange Government job in the Transport Corporation and thereafter, he failed to secure the job and refused to return the said amount. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the first accused alone is responsible for the entire transaction and that he is no more. He would further submit that petitioner in order to show his *bona fide*, he is ready and willing to deposit a sum of Rs.2,00,000/- and he also filed an affidavit



sworn by the petitioner, wherein the petitioner has specifically undertaken to deposit Rs.2,00,000/- (Rupees Three Lakhs only) before the Jurisdictional Court.

4.The learned Additional Public Prosecutor would submit that it is a case of job racketing. The first accused, who was the uncle of the de-facto complainant was already reported dead and that he alleged to have received a sum of Rs.7,00,000/- from the de-facto complainant by giving false promise to secure job.

5.Considering the above facts and circumstances and also taking note of the undertaking affidavit given by the petitioner and also the fact that the substantial portion of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) before the learned Judicial Magistrate No.1, Kulithalai to the credit of Crime No.28 of 2020 without prejudice to his rights and contentions within a period of two weeks from the date of receipt of a copy of this order. On such deposit, the de-facto complainant is permitted to withdraw the 50% of the said amount;

7.On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate No.1, Kulithalai on condition that the petitioner shall execute 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 Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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]***; and;

(f) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
16/02/2022

/ TRUE COPY /

16/02/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE-I
KULITHALAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KARUR, KARUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.R.RAJARAMAM, Advocate (SR-1178[I] dated 16/02/2022)

ORDER
IN
CRL OP(MD) No.2955 of 2022
Date :16/02/2022

SJI
MK/VR/SAR.II/16.02.2022/3P/7C