



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 18/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6806 of 2022

Balan

... Petitioner/Accused No.4

Vs

The State rep.by,  
The Inspector of Police,  
District Crime Branch,  
Karur.  
Crime No.12 of 2021.

... Respondent/Complainant

For Petitioner : MR.J.Sathia Raj,  
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.12 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 01.03.2022 for the offences punishable under Sections 120-b, 406, 420 and 464 IPC, in Crime No.12 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is running a garment business in the name of M.G.S.Govindharaaju & Sons, that A1 contacted the de-facto complainant stating that he was running a finance company in the name of Gokulam Funding Solutions and he would avail loan of five crores with low interest and that on 13.10.2021, A1 approached the de-facto complainant and asked him to sign in five promissory notes and received a sum of Rs.18,75,000/- as advance interest amount. Later, when the de-facto complainant had enquired about the said company, he came to know that the company's address is fake one. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the first accused has given a confession statement, wherein, he stated that he has handed over Rs.60,000/- towards commission to the petitioner herein. He would further submit that the petitioner is not having any previous case for similar offence.

5.When the matter is taken up for hearing, the learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner, wherein, he has given an undertaking that he is ready to deposit a sum of Rs.60,000/- before the concerned Court without prejudice to his rights and contentions.

6.Considering the above facts and circumstances and also taking note of the undertaking affidavit given by the petitioner herein and also the facts that the petitioner is not having any previous case for similar offence and that the petitioner is in judicial custody from 01.03.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner shall pay a sum of Rs.60,000/- (Rupees Sixty Thousand only) to the credit of Crime No.12 of 2021 before the learned Judicial Magistrate No.II, Karur, without prejudice to his rights and contentions.

8.On such deposit being made, the petitioner is ordered to be released on bail 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 Judicial Magistrate No.II, Karur 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. until further orders;

(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.

sd/-  
18/04/2022

/ TRUE COPY /

WEB COPY

18/04/2022

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 NO.II,  
KARUR.
  - 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
  - 3 THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.
  - 4 THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH, KARUR.
  - 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.J.SATHIA RAJ, Advocate ( SR-3444[I] dated 18/04/2022 )

ORDER  
IN  
CRL OP(MD) No.6806 of 2022  
Date :18/04/2022

SJI  
MK/VR/SAR.II/18.04.2022/3P/7C