



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6930 of 2022

G.Anandhakumar

... Petitioner/Accused

Vs

State represented by
The Inspector of Police,
District Crime Branch,
Karur,
Karur District.
(Crime No.9 of 2022).

... Respondent/Complainant

For Petitioner : Mr.N.Nagarajan,
Advocate.

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

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

PRAYER :-

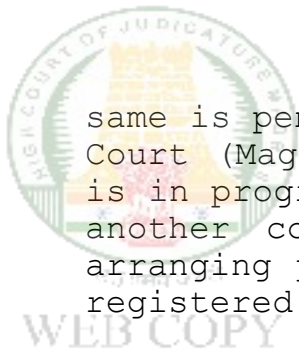
For Bail in Crime No.9 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 18.03.2022 for the offences punishable under Sections 406 and 420 IPC, in Crime No.9 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant gave Rs.2,00,000/- to the petitioner for securing government job and the petitioner without securing the job, cheated the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has borrowed some amount from the defacto complainant in the year 2018, that the said defacto complainant has already filed a complaint for the offence under Sections 138 & 142 of NI Act and the



same is pending in S.T.C.No.32 of 2019 on the file of the Fast Track Court (Magisterial Level), Karur, that the trial of the above case is in progress and that meanwhile the defacto complainant has lodged another complaint as if the petitioner has received amount for arranging jobs and on the basis of which, the present FIR came to be registered.

4.As rightly contended by the learned counsel for the petitioner, in the FIR, the defacto complainant has alleged that some payments were taken by the petitioner and it is the case of job racketing, but in the complaint under Section 138 of NI Act, the defacto complainant has nowhere whispered that it is the case of job racketing.

5.Considering the above facts and circumstances and also the nature of the charges levelled against the petitioner and also taking note of the fact that the defacto complainant has already initiated proceedings under Section 138 and 142 of NI Act and is pending before the jurisdictional Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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.I, Karur.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)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;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)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]***.

(vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

13/04/2022

/ TRUE COPY /

13/04/2022

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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE NO.I,
KARUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
 - 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR, KARUR DISTRICT.
 - 4 THE OFFICER INCHARGE,
SUB JAIL, KARUR.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.V.NAGARAJAN, Advocate (SR-3355[I] dated 13/04/2022)

ORDER

IN

CRL OP(MD) No.6930 of 2022

Date :13/04/2022

RS/PN/SAR.1 (13.04.2022) 3P-7C