



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7655 of 2022

Rajamanickam

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai.
(Crime No.90/2022)

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.90/2022 on the file of the Respondent Police.

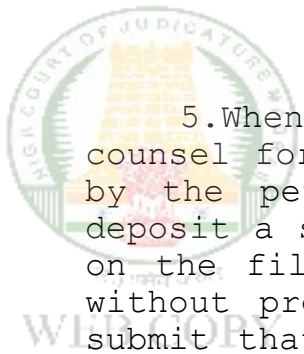
ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 16.03.2022 for the offences punishable under Sections 406, 420 and 506(i) IPC, in Crime No.90 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner received a sum of Rs.2,00,000/- from the de-facto complainant by giving false promise to send him abroad. 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 Government Advocate (Crl. side) would submit that it is a clear case of job racketing and that the petitioner is having nine previous cases.



5. When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner, wherein, he has specifically undertaken to deposit a sum of Rs.2,00,000/- to the credit of Crime No.90 of 2022 on the file of the learned Judicial Magistrate No.I, Pudukkottai, without prejudice to his rights and contentions. He would further submit that the passport of the petitioner was already seized and now it is in the custody of the respondent police.

6. Considering the above facts and circumstances of the case and also taking note of the undertaking affidavit given by the petitioner and also the fact that the petitioner is in judicial custody from 16.03.2022, 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.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.90 of 2022 before the learned Judicial Magistrate No.I, Pudukkottai, without prejudice to his rights and contentions.

7. On such deposit, 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.I, Pudukkottai and on further conditions that:

(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., until further orders;

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

28/04/2022

/ TRUE COPY /

28/04/2022

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.I,
PUDUKKOTTAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
- 4 THE INSPECTOR OF POLICE
PUDUKKOTTAI TOWN POLICE STATION, PUDUKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7655 of 2022
Date :28/04/2022

SJI
MK/PN/SAR.II/28.04.2022/3P/6C