



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16215 of 2022

S.Arockiyasamy

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Sub Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.
Crime No. 226/2022.

... Respondent/Complainant

For Petitioner : M/s. Arumugam C M, 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.226 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 12.08.2022 for the alleged offence under Sections 406, 420 I.P.C, in Crime No.226 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that it is a case of job racketing. The accused persons were promised to arrange Government jobs. Believing their words, the defacto complainant and other victims gave Rs.9,00,000/- to the accused persons. But, they failed to do so. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is A2 in this case. During the course of enquiry, the accused persons appeared before the District Crime Branch and gave a cheque to the tune of Rs.6,50,000/-, accepting their liability. To show his *bonafide*, he is ready to deposit 50% of the amount. Further, it is submitted that the co-accused was already enlarged on bail in Crl.M.P.No.2450 of 2022 by the lower Court. Hence, prays to release the petitioner on bail.



4. On the side of prosecution, it is stated that the persons gave a cheque to the tune of Rs.6,50,000/- before the District Crime Branch, by accepting their liability and prayed the petition to be dismissed.

5. Considering the nature of the offence and considering the fact that the co-accused was enlarged on bail and the readiness of the petitioner to deposit the cheated amount and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of Cr.No.226 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Musiri, Tiruchirapalli District.

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 appear before the concerned Court on all hearing dates and appear before the respondent Police, as and when required;

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 absconds, a fresh FIR can be registered under Section 229A IPC;

sd/-

08/09/2022

/ TRUE COPY /

08/09/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
MUSIRI, TIRUCHIRAPALLI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY DISTRICT.
4. THE SUB INSPECTOR OF POLICE,
MUSIRI POLICE STATION, MUSIRI,
TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-9792[I] dated 08/09/2022)

ORDER
IN
CRL OP(MD) No.16215 of 2022
Date :08/09/2022

pnm
USK/VR/SAR-II/08.09.2022/3P/7C