



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.01.2022

PRESENT

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.OP (MD)No.20568 of 2021

Seshadri

... Petitioner/ Accused

-vs-

State represented by
The Inspector of Police,
Thanjavur DCB Police Station,
Thanjavur.
Crime No.77 of 2021

... Respondent/Complainant

For Petitioner : Mr.K.Guhan, Advocate.
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

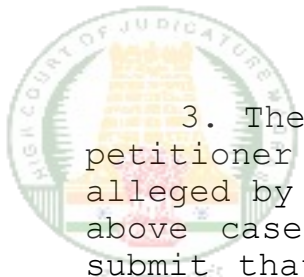
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.77 of 2021 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 03.11.2021 for the offence punishable under Section 420 of IPC in Crime No.77 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant went to meet MP Mr.O.S Manian in order to seek recommendation for 1st standard admission of his son Kohul Karthick in the Airport Kendriya Vidhyalaya School and at that time, the petitioner herein viz., Seshadri working in the office of the said MP, informed the defacto complainant that his relatives are working in TNPSC office and he would get employment as Drug Inspector for the defacto complainant for which, he demanded a sum of Rs.12 Lakhs and believing his words, the defacto complainant took cash of Rs.4 Lakhs from her mother-in-law bank account and also cash on hand of Rs.2 lakhs and in toto, he gave Rs.6 lakhs to the petitioner for the above said purpose, but the petitioner did not get any job for the defacto complainant and also dodged to return the money and when it was questioned, the petitioner gave a cheque to the defacto complainant and when it was presented before the bank, it was returned as the petitioner has no sufficient money in his bank account. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent, that he has not committed any offence as alleged by the prosecution and that he was falsely implicated in the above case. The learned counsel for the petitioner would further submit that the petitioner is in custody from 03.11.2021 and that without prejudice to the defence, the petitioner has given undertaking to deposit 50% of the amount allegedly involved in the above case.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the above case is a job racketing case, that the petitioner on the false promise of arranging employment has taken Rs.6,00,000/- , that investigation is pending and that there is no change in circumstances since the dismissal the earlier bail petition.

5.The earlier bail application was dismissed as withdrawn by this Court in Crl.O.P(MD) No.17827 of 2021, vide order dated 17.11.2021.

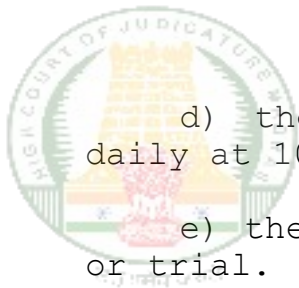
6. When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner dated 25.12.2021, wherein the petitioner has given a specific undertaking to deposit a sum of Rs.3,00,000/- (Rupees Three lakhs only) before the Judicial Magistrate No.II, Thanjavur in Crime No.77 of 2021 within the time frame, stipulated by this Court.

7.Considering the facts and circumstances and also the facts that the petitioner is in judicial custody from 03.11.2021 and that the petitioner is not having any bad antecedents as stated the learned Additional Public Prosecutor and also taking note of the undertaking affidavit filed by the petitioner to deposit Rs.3,00,000/- , this Court is inclined to grant bail to the petitioner subject to the following conditions:

a) The petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.77 of 2021 before the Judicial Magistrate Court No.II, Thanjavur without prejudice to his rights and contentions before the trial Court.

b) On such deposit, 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.II, Thanjavur, and on further condition that:

c) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.



d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

e) the petitioner shall not abscond either during investigation or trial.

f) the petitioner shall not tamper with evidence or witness either during investigation or trial.

g) 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]**.

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

sd/-
05/01/2022

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE
THANJAVUR DCB POLICE STATION, THANJAVUR
 - 4 THE OFFICER INCHARGE,
SUBORDINATE JAIL, PUDUKKOTTAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.K.GUHAN, Advocate SR.No.56.

ORDER
IN
CRL OP(MD) No.20568 of 2021
Date :05/01/2022

ebsi

MK/JM/SAR.IV/05.01.2022/3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>