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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/11/2022
PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) Nos. 20052 and 20054 of 2022

Venkatesh @ Vengadesh

... Petitioner/Accused No.2
in Crl.O.P(MD) No.20052 of 2022

Naveen @ Naveenkumar

... Petitioner/Accused No.1
in Crl.O.P(MD) No.20054 of 2022

Vs

The State rep.by
The Inspector of Police,
DCB Police Station,
Dindigul District.
(Crime No.29 of 2022)

... Respondent/Complainant
(in both petitions)

IN BOTH PETITIONS:-

For Petitioners : M/s.Praveenkumar P,
Advocate.

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

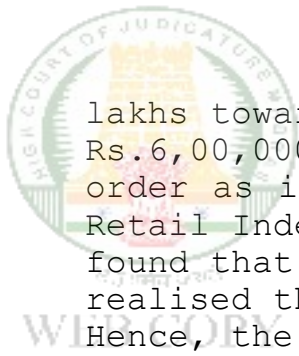
PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :- For Bail in Crime No. 29/2022 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 07.10.2022 for the offences punishable under Sections 406 and 420 of IPC, in Crime No.29 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant, who is practicing Advocate for the past 5 years in Dindigul, Madurai and Palani Courts. After completion of his graduation, he intended to immigrate to Canada for future settlement. He found online advertisement posted by the accused persons and contacted them. They told that they are running an online consultancy in Bengaluru in the name and style "Charlotte Immigration" and they promised to arrange his immigraton, for that purpose, they demanded a sum of R.5



lakhs towards the charges. On various dates, they collected of Rs.6,00,000/-. Afterwards, the accused sent a bogus appointment order as if the defacto complainant was selected for appointment as Retail Indent Executive in Campbells Company. After enquiry, it was found that it is a bogus order and then only the defacto complainant realised that the accused cheated him and committed breach of trust. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners borrowed hand loan a sum of Rs.2,00,000/- from the defacto complainant in various dates. Since the petitioners have faced financial crisis in their business, they are not able to repay the said loan amount, due to which, this false complaint has been lodged against the petitioners. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 07.10.2022. Hence, they may be granted bail.

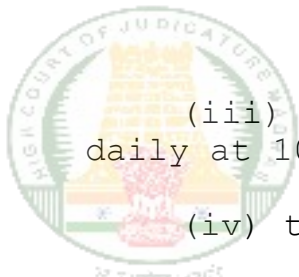
4.The learned Additional Public Prosecutor for the respondent police opposed for grant of bail to the petitioners stating that it is case of job racketing and the accused persons cheated the defacto complainant to the tune of Rs.6,00,000/-. He would further submit investigation in this case has been completed and the charge sheet has also been filed before the concerned Court.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also the facts that the investigation has been completed and the charge sheet has already filed before the concerned Court, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, these Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Dindigul.

(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 petitioners are directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakhs only) each to the credit of Crime No.29 of 2022 before the learned Judicial Magistrate No.II, Dindigul**, without prejudice to his rights and contentions before the trial Court and further, the petitioners shall surrender their original pass port before the learned Judicial Magistrate No.II, Dindigul, while executing sureties;



(iii) the petitioners shall report before the respondent daily at 10.30 a.m., until further orders;

(iv) the petitioners shall not tamper with evidence or witness;

(v) the petitioners shall not abscond during trial.

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

sd/-

11/11/2022

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11/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, DINDIGUL.
- 4 THE INSPECTOR OF POLICE,
DCB POLICE STATION,
DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.PRAVEENKUMAR P Advocate SR.No.12880 & 12881

ORDER

IN

CRL OP (MD) Nos. 20052 and
20054 of 2022

Date : 11/11/2022

CP

SA/BUC/SAR. /11.11.2022/3P/8C

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