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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/12/2022

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23234 of 2022

Arunpandi ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Somarasam Pettai Police Station,
Trichy District.
Crime No.344 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Balamurugapandi D,
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

PRAYER :-

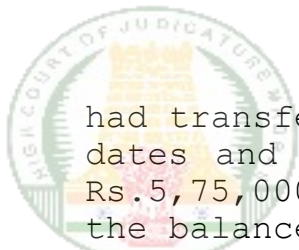
For Bail in Crime No.344 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 29.11.2022 for the offence punishable under Sections 420, 294(b) and 506(1) IPC in Crime No.344 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, by giving false promise to secure Government job, received Rs.6,61,900/- from the de-facto complainant and thereby cheated him and on questioning the same, on 16.10.2022, the petitioner has threatened the de-facto complainant with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that he is per the instruction of one Rajesh, the de-facto complainant



had transferred Rs.6,40,000/- to the petitioner's account on 29.11.2022. On 30.11.2022, the petitioner had transferred the amount of Rs.5,75,000/- to one Rajesh and Vinoth through bank transactions and the balance amount of Rs.64,100/- was in the hand of the petitioner. He would further submit that the petitioner is ready to deposit the balance amount of Rs.64,100/- to the credit of Crime No.344 of 2022 before the learned Judicial Magistrate No.V, Tiruchirappalli, Tiruchirappalli District. He would further submit that the petitioner is in judicial custody from 29.11.2022. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case of job racketeering. The petitioner received Rs.6,61,900/- from the de-facto complainant for getting job and cheated him and the investigation is still pending. Hence, he opposed for grant of bail.

5.Taking into consideration of the facts and circumstances of the case and that the petitioner is in judicial custody from 29.11.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tiruchirappalli, Tiruchirappalli District, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(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 Judicial 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** [SCW 5560]; [R

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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28/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI/PNN

TO

- 1.THE JUDICIAL MAGISTRATE NO.V,
TIRUCHIRAPPALLI, TIRUCHIRAPPALLI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
- 4 THE INSPECTOR OF POLICE,
SOMARASAM PETTAI POLICE STATION,
TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.23234 of 2022
Date :28/12/2022

RK/VR/SAR- (28/12/2022) 3P/6C