



Crl.O.P.No.11045 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11045 of 2023

K.Arunkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.

(Crime No.59 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.59 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.S.Ganeshkumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.03.2023, in connection with Crime No.59 of 2023, registered for the alleged offences punishable under Sections 420 & 379 of IPC, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the accused, under the guise of helping the de-facto complainant to withdraw money from ATM, had cheated her and committed theft of Rs.32,900/- by using her debit card. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is no way connected with the alleged offence and he has been falsely roped into this case, since he has got some previous cases. He further submitted that the petitioner is in custody from 30.03.2023. He also submitted that the petitioner is ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner, under the guise of helping the de-facto complainant to withdraw money from ATM, had cheated her and committed theft of Rs.32,900/- by using her debit card. He further submitted that a sum of Rs.20,000/- has been recovered from the accused. He also submitted that the investigation has been completed and the case has been taken up in C.C.No.70 of 2023 on the file of the District Munsif cum Judicial Magistrate, Uthukuli. He further submitted that 6 previous cases of similar nature are pending as against the petitioner. Therefore, if he is released on bail, there is every possibility of the petitioner to abscond and derail the progress of trial. Hence, he vehemently opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, to show his bonafide, without prejudice to his defense and contention, is ready and willing to deposit a sum of Rs.20,000/-, before the trial Court concerned. Therefore, he prayed to grant bail to the petitioner.



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6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the petitioner is volunteered to deposit a sum of Rs.20,000/- to the credit of crime number, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, **the petitioner is directed to deposit a sum of Rs.20,000/-(Rupees Twenty Thousand only) to the credit of Crime No.59 of 2023**, without prejudice to his rights and contentions, before the trial Court and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Uthukuli**, and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the learned District Munsif cum Judicial Magistrate, Uthukuli, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] 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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

17.05.2023

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To

1. The District Munsif cum Judicial Magistrate,
Uthukuli.
2. The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN.,J.

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