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CRL.O.P(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.02.2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.2120 of 2023

1.Latha
2.Rajendran

... Petitioners/Accused No. 1& 2

Vs

State represented by
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No. 82 of 2022).

... Respondent/Complainant

For Petitioner	: Mr.M.Prabu
For Respondent	: Mr.T.Senthilkumar, Additional Public Prosecutor
For Intervenor	: Mr.M.Jothi Basu

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

PRAYER :-

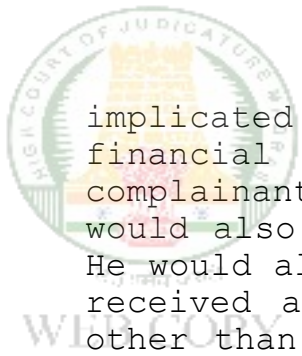
For Bail in Crime No.82 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 01.12.2022 for the offences punishable under Sections 406, 420, 120(b) and 506(i) of IPC in Crime No.82 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution, as per the de-facto complainant, Saraswathi, is that the accused persons have induced her on the false promise of securing a Government job and to get a petrol bulk licence and had received an amount of Rs.30,45,000/- and cheated the de-facto complainant. Hence, the case.

3.The learned Counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely



implicated in this case. He would also submit that a financial transaction between the petitioners and the de-facto complainant has been projected as a job rocketing and cheating. He would also submit that the petitioners were arrested on 01.12.2022. He would also submit that the fact remains that the petitioners have received a sum of Rs.24,00,000/- by way of bank transactions and other than that, they have not received any amount. He would also submit that the petitioners have also repaid an amount of Rs.8,00,000/- to the de-facto complainant. He would further submit that investigation has been completed and final report has also been filed before the learned Judicial Magistrate. He would also submit that the petitioners have no previous case against them and they are ready to abide by any stringent conditions, that may be imposed on them. He would also submit that the petitioners are ready to deposit original title deeds of immovable properties worth of Rs.10,00,000/- to the credit of crime number. Hence, he would pray for bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the accused, under the guise of getting a licence for a petrol bulk and securing a Government job, have cheated the de-facto complainant to the tune of Rs.30,50,000/-. He would also submit that the amount transacted through bank is only Rs.24,00,000/- and the balance amounts have been given by the de-facto complainant by way of cash. He would further submit that investigation has been completed and final report has also been filed before the learned Judicial Magistrate No.I, Sivakasi and he would submit that the petitioners have no previous case pending against them. He would oppose for grant of anticipatory bail to the petitioners.

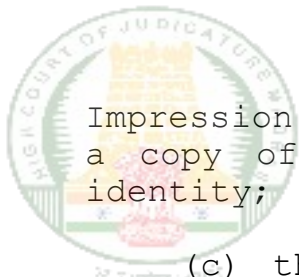
5.The learned Counsel for the intervenor would submit that the accused persons, under the guise of getting a licence for a petrol bulk and securing a Government job, have cheated the de-facto complainant to the tune of Rs.30,50,000/-. He would strongly oppose for grant of bail to the petitioners.

6.Heard. Perused the materials available on record including the First Information Report.

7.Taking into consideration of the facts and submissions made by the learned Counsel and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute 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.I, Sivakasi, Virudhunagar District, and on further conditions that:

<https://www.mhc.tn.gov.in/judis> the sureties shall affix their photographs and Left Thumb



Impression in the surety bond and the learned Magistrate may in a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall report before the learned Judicial Magistrate No.I, Sivaksi, Virudhunagar daily at 10.30 a.m., on all working days for a period of two weeks and thereafter, on the dates fixed by the learned trial Judge.

(d)The petitioners shall jointly deposit title deeds of immovable properties worth of Rs.10,00,000/- either belonging to them, friends or relatives.

(e)the petitioners shall not commit any offences of similar nature;

(f)the petitioners shall not abscond either during investigation or trial;

(g)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h)on breach of any of the aforesaid conditions, the learned Judicial 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];

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

sd/-
02/02/2023

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/02/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023. cmr

To

- 1.The Judicial Magistrate No.I, Sivakasi, Virudhunagar.
- 2.The Chief Judicial Magistrate, Viruthunagar at srivilliputhur



3.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

1.The Superintendent, Central Prison, Madurai.

2.The Superintendent, Women Prison, Madurai.

+1 CC to M/s.M.Prabhu, Advocate (SR-1685[I] dated 02/02/2023)

CRL OP (MD) No.2120 of 2023
Date :02/02/2023

SA(02.02.2023) 4P 8C