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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2023

PRESENT

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

CRL OP(MD) . No.2681 of 2023

Ponsiva @ Paramasivam

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.
(In Crime No.20/2022).

... Respondent/Complainant

For Petitioner : M/s.Balamuruganantham R, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

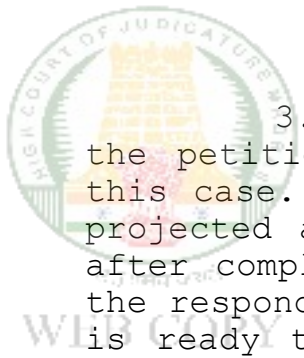
PRAYER :-

For Anticipatory Bail in Crime No.20/2023 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 01.11.2022, for the offence punishable under Sections 406, 420, 506(ii) of I.P.C in Crime No. 20 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the accused has given a promise to the defacto complainant, who is his relative, to secure a job in the Government Department, for which, the defacto complainant has also paid a sum of Rs.7 lakhs to the accused. Later, without repaying the same, he has cheated the defacto complainant. Hence, Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The case of money dispute between the parties has been projected as a case of cheating and job racketing. In this case, after completing the investigation, final report has been filed by the respondent. The petitioner has got a permanent residence and he is ready to abide any stringent condition imposed by this Court. The petitioner is in judicial custody from 01.11.2022. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor would submit that in this case, after completing the investigation final report has been filed before the learned Judicial Magistrate No.II, Virudhunagar and the same was taken on file as CC No.42 of 2023. Though the petitioner is not having any previous case, the petitioner has received a sum of Rs.7 lakhs (Rs.20,000/- through ATM, Rs.2 lakhs transferred through on-line and balance amount through cash) from the defacto complainant, on giving a false promise that he would secure a Government job. Later, he cheated him. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and that final report is filed, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Virudhunagar**, 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 the learned Judicial Magistrate No.II, Virudhunagar daily at 10.30 a.m., for a period of two weeks and thereafter, on all hearing dates, without fail;

(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 in 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.

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

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.BALAMURUGANATHAM, Advocate (SR-2131[I] dated
10/02/2023)

ORDER

IN

CRL OP(MD) No.2681 of 2023

Date :10/02/2023

RS(10.02.2023) 3P-7C