



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2023

PRESENT

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

CRL OP(MD) . No.2893 of 2023

P.Manibalan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
CCD-III District,
Thanjavur.
(Crime No.9/2022).

... Respondent/Complainant

For Petitioner : M/s.Thirumurugan T,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

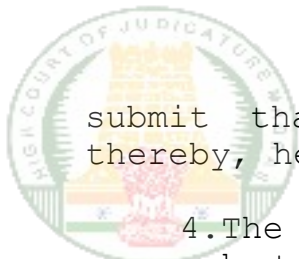
For Bail in Crime No.9/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 30.12.2022 for the offences punishable under Section 420 IPC and Section 66-D of Information Technology Act, 2008 in Crime No.9 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, in the guise of securing a job for the de-facto complainant at Poland, had received a sum of Rs.2,17,200/- from him and later, cheated him. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and a case of non-repayment of money has been falsely projected as a case of job racketing. He would further submit that admittedly, the de-facto complainant had sent all the money through bank transaction on various dates, which would show that it is only a money transaction. He would further



submit that the petitioner is in custody from 30.12.2022 and thereby, he would seek for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner, in the guise of securing a job for the de-facto complainant at Poland, had received a sum of Rs.2,17,200/- from him and later, cheated him. Hence, he opposed to grant bail to the petitioner.

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

6.Taking into consideration of the facts and submissions made by the learned counsels, 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 Special Court for the learned Judicial Magistrate No.I, Thanjavur, and on further conditions that:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M. for a period of two weeks and thereafter, on every Saturday 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 [(2005)AIR SCW 5560].

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

sd/-

14/02/2023

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14/02/2023

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

SJI

<https://www.mhc.tn.gov.in/judis>



TO

1 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKOTTAI.

4 THE INSPECTOR OF POLICE, CCD-III DISTRICT, THANJAVUR.

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

+2 CC to M/s.T.THIRUMURUGAN, Advocate (SR-2289[I], SR-2291[I] dated
14/02/2023)

ORDER

IN

CRL OP(MD) No.2893 of 2023

Date :14/02/2023

RS/VR/SAR.(14.02.2023) 3P-8C