



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/02/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.3574 of 2023

Arun Anand

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
(Crime No.82/2022).

... Respondent/Complainant

For Petitioner : Mr.Suri M,
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.82/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 31.12.2022 for the offence punishable under Sections 120(b), 406, 420, 465, 468, 471 and 506(i) of IPC in Crime No.82 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with his wife and another accused have induced several persons that they would get jobs in the Government and thereby, received an amount of Rs.32,00,000/- and later, cheated them. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely roped in in this case. He would further submit that a case of financial dispute has been projected as a case of job racketing. He would further submit that it is a case of the de-facto complainant and the other victims that the amounts were deposited into the account of the petitioner on the instructions of A1, who is said to have induced the victims. He would further submit that the petitioner is in custody for the past 55 days and two other accused are yet to be secured. He would



further submit that the petitioner is ready and willing to accept any stringent condition that may be imposed on him. Hence, he would seek for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with his wife and friend have induced the de-facto complainant and several other victims in the guise of obtaining jobs in the Government and thereby, they have taken money to the tune of Rs.32,00,000/- and later, cheated them. He would further submit that the first accused has repaid an amount of Rs.3,00,000/- to the de-facto complainant and the balance amount is Rs.29,00,000/-. He would further submit that A1 and A3 are still absconding and hence, he would object for grant of bail.

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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Nagercoil, Kanniyakumari District, 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., 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



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

sd/-

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23/02/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL, KANNIYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGERCOIL,
KANNIYAKUMARI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGERCOIL,
KANNIYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SURI M Advocate SR.No.2748

ORDER

IN

CRL OP(MD) No.3574 of 2023

Date :23/02/2023

SA/SBN/SAR. /23.02.2023/3P/7C