



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2023

PRESENT

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

CRL OP(MD) . No.3827 of 2023

Murugesan,

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Dcb Police Station,
Virudhunagar District.
Crime No.18 of 2021.

... Respondent/Complainant

Dhanalakshmi

...Intervener/Defacto Complainant
in Crl MP(MD)No. 3785/2023

For Petitioner : M/s.Mareeskumar E,Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

For Intervenor : Mr.Poornachandran,Advocate
in Crl MP(MD)No. 3785/2023

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

PRAYER :-

For Bail in Cr.No.18 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 10.01.2023 for the offence punishable under Sections 409, 420, 465, 468, 471 and 506(i) IPC in Crime No.18 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is running a wholesale business of Dal and Grams at Virudhunagar. The petitioner and other accused have approached the de-facto

<https://www.mca.gov.in/>

and introduced themselves as employees of Central



Government working in Kishan Ration Shop run by the Government of India and induced the de-facto complainant to supply pulses for Government and believing the same, the de-facto complainant had supplied goods to the tune of Rs.5,01,07,400/- and the accused have repaid a sum of Rs.2,15,00,000/- and they have failed to repay the balance amount of Rs.2,86,07,400/-. When the de-facto complainant demanded the balance amount, the accused threatened the de-facto complainant and her husband. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and that a case of business transaction has been falsely projected as a case of cheating. He would further submit that the petitioner is the employee of A1 and A2 and A1 and A2 were having business dealing with the de-facto complainant. During the course of business, the de-facto complainant had supplied goods to the tune of Rs.5,01,07,400/- and they have also repaid Rs.2,15,00,000/- and Rs.2,86,07,400/- was due, whereas, instead of taking request to a civil suit for recovery of the amount, the de-facto complainant has projected as a case of cheating and they got a case registered. He would further submit that A1 and A2 were arrested and they have been released on bail and the other accused was released on statutory bail. He would further submit that petitioner is in custody from 10.01.2023. He would further submit that the petitioner's relative has got a property worth of Rs.10,00,000/- and that the petitioner, to show his *bona fides*, is ready and willing to deposit the original title deeds of immovable property worth of Rs.10,00,000/- belonging to his relative to the credit of Crime No.18 of 2021 before the learned Magistrate at the time of execution of sureties. Hence, he would seek for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with the other accused have introduced themselves as the employees of Central Government of India and that they were authorised to purchase pulses for Kishan Ration Shop run by the Government of India and believing the words, the de-facto complainant had supplied goods to the tune of Rs.5,01,07,400/-, whereas, they have cheated by not paying the balance amount of Rs.2,86,07,400/-. Hence, he would oppose for grant of bail.

5.The learned counsel for the intervenor would vehemently oppose for grant of bail stating that it is a case where the accused have introduced themselves as the employees of Central Government of India and they have induced the de-facto complainant to supply goods and later, cheated him.

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 counsels and that the petitioner, to show his *bona*



fides, is ready and willing to deposit original title of immovable property worth of Rs.10,00,000/- belonging to his relative to the credit of Crime No.18 of 2021 before the learned Judicial Magistrate No.II, Virudhunagar, this court is inclined to grant bail to the petitioner, subject to the following conditions:

WEB COPY

[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 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 Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] at the time of executing sureties, the petitioner shall deposit the original title deeds of immovable property worth of Rs.10,00,000/- (Rupees Ten Lakhs Only) belonging to his relative to the credit of Crime No.18 of 2021 before the Judicial Magistrate No.II, Virudhunagar. Thereafter, only the learned trial Judge shall accept the sureties furnished by the petitioner.

[d] the petitioner shall report before the respondent police daily at 10.30 A.M., until further orders.

[e] the petitioner shall not commit any offences of similar nature.

[f] the petitioner shall not abscond either during investigation or trial.

[g] the petitioner 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 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].

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

sd/-

03/03/2023

/ TRUE COPY /

03/03/2023

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



1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE
DCB POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.E.MAREESKUMAR, Advocate (SR-3363[I] dated 03/03/2023)

ORDER
IN
CRL OP(MD) No.3827 of 2023
Date :03/03/2023

PKP/SBN/SAR- /03.03.2023/ **4P/7C**