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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6871 of 2023

Salamon Arputharaj @ Salamin Arputharaj
... Petitioner/Sole Accused

Vs

1.The State rep.by,
The Inspector of Police,
District Crime Branch Police Station,
Thoothukudi
(Crime No. 12/2023.) ... Respondent/Complainant

2.Ignatius Frazer Corera ...Petitioner/Intervener/
Defacto Complainant
In CRL MP(MD)No.6267 of 2023

For Petitioner : M/s.Jegadeesha Pandian.VM,
Advocate.

For Intervenor : M/s.J.Sankarapandian
Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

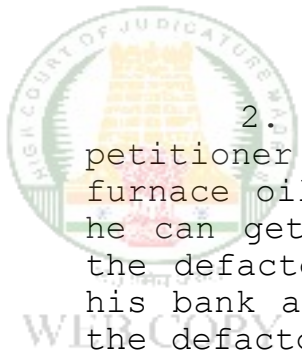
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.12 of 2023 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 22.03.2023 for the offences under sections 406,420,294(b) and 506(i) of IPC in Crime No.12 of 2023 on the file of the respondent police seeks bail.



2. The case of the prosecution is that on 01.09. the petitioner told the defacto complainant that there was a business of furnace oil sale and if he take and sell the same to heavy vehicle he can get more profit. On believing the words of the petitioner, the defacto complainant apid a total sum of Rs.24,35,000/- through his bank and by cash to the petitioner on several occasions. Later the defacto complainant neither gave the oil as promised by him nor returned back the amount and when the defacto complainant questioned the same, the petitioner abused the defacto complainant in filthy language and also criminally intimidated him, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that the petitioner had induced the defacto complainant inorder to do the business of furnace oil and received a sum of Rs.24,05,000/- and all the transactions were made through bank. Thereafter the petitioner did not conduct any business and failed to return the amount, thereby he cheated the defacto complainant.

5. The learned counsel for the petitioner would submit that the petitioner without his prejudice is ready and willing to deposit the original title deed not less than the amount collected by him.

6. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions

[a] the petitioner shall deposit the original title deed which stands in his name or in his relative's name or in his friend's name worth about Rs.50 lakhs along with the property valuation certificate from the authorities competent before the concerned Court without prejudice to his defence

[b] On such deposit, the petitioner shall 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.IV, Thoothukudi

[c] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity ;

[d] the petitioner shall report before the respondent police station on 01.10.2019 at 10.30 a.m until further orders



[e]the petitioner shall not tamper with evidence or witness.

[f] the petitioner shall not abscond during trial.

[g] On breach of any of the aforesaid conditions, the learned 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/-

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18/04/2023

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

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TO

1.THE JUDICIAL MAGISTRATE NO.IV, THOOTHUKUDI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3.THE OFFICER IN CHARGE,
DISTRICT JAIL, PERURANI,
THOOTHUKUDI DISTRICT.

4.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
THOOTHUKUDI

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

+1 CC to M/s.JEGADEESHA PANDIAN.VM, Advocate (SR-6050[I] dated
18/04/2023)

ORDER

IN

CRL OP(MD) No.6871 of 2023

Date :18/04/2023

RK/BUC/SAR-(18/04/2023) 3P/7C

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