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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2023

PRESENT

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

CRL OP(MD) . No.7229 of 2023

S.Chandran,

... Petitioner/Accused(Sole)

Vs

The State represented by
The Inspector of Police,
Town West Police Station,
Thanjavur District.
Crime No.260 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Senthil Murugan.C,
Advocate.

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

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

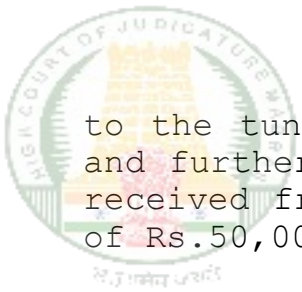
PRAYER :-

For Bail in Crime No. 260 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 26.02.2023 for the offences under sections 406,420 of IPC in Crime No.260 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner is running a company in the name of JJ groups and the defacto complainant deposited a sum of Rs.1,50,000/- in the above said company under the Monthly Return Deposit scheme for which a sum of Rs.4500/- per month was fixed as share amount and further the defacto complainant deposited a sum of Rs.2,25,000/-and for which a sum of Rs.7500/- per month was fixed as share amount and on 30.01.2023 while the defacto complainant demanded to return back his money the petitioner assured to repay the same in the last of February 2023 and while on 22.02.2023 while the defacto complainant went to the company of the petitioner it was locked and he absconded and as such the petitioner said to have cheated the amount



to the tune of Rs.4,00,000/- received from the defacto complainant and further submitted that 13 more same kind of petitions have been received from the general public as if the petitioner cheated a sum of Rs.50,00,000/- hence the case.

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

4. The learned counsel for the petitioner would submit that the petitioner without his prejudice the petitioner is ready and willing to repay the amount which was collected from the general public on the monthly deposit scheme within a period of one month. He would further submit that the petitioner has no intention to cheat the victims.

5. 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:

[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.I, Thanjavur and on further conditions that:

[b] the petitioner after coming out from prison within two days shall file an undertaking affidavit before the trial Court that he shall settle all the victims on or before 28.05.2023. If the petitioner fails to settle the victims on or before 28.05.2023 the bail granted to the petitioner shall stand automatically cancelled and the respondent is directed to secure the petitioner and remand him to custody.

[c] 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.

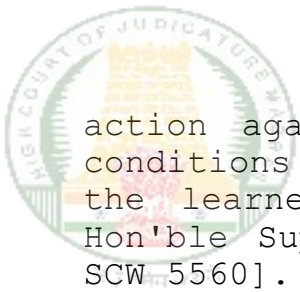
[d] the petitioner shall report before the respondent police daily at 10.30 A.M. and 5.30P.M., until further orders.

[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 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].

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

sd/-

19/04/2023

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19/04/2023

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

TO

1 THE JUDICIAL MAGISTRATE NO.I
THANJAVUR.

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

3 THE INSPECTOR OF POLICE
TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, THANJAVUR.

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

+1 CC to M/s.SENTHIL MURUGAN.C, Advocate (SR-6091[I] dated
19/04/2023)

ORDER

IN

CRL OP(MD) No.7229 of 2023

Date :19/04/2023

SS/SSS/SAR /19/04/2023/3P/7C