



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

Date : 02.06.2023
PRESENT

WEB COPY

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

CRL OP(MD)No.9404 of 2023

Prabakaran

... Petitioner/Accused 1

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
Crime No.13 of 2022

... Respondent/Complainant

For Petitioner : Mr.M.Murugesan, 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.13 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 08.04.2023 for the offence under section 406 and 420 IPC in Crime No.13 of 2022 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the accused persons promised the defacto complainant to get a job in electricity board and received a sum of Rs.4,00,000/-. Thereafter failed to get any job and also refused to return the money. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the alleged payment was made by the victim in the years 2018 and 2019. Complaint was lodged in the year 2022 and FIR was registered in the same year. The petitioner was arrested on 08.04.2023.



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

5. It is seen that there are totally four accused in this case and the petitioner is arrayed as A1. There are six victims and so far, they paid Rs.35,66,500/- to the accused persons, in order to get job in the electricity board. The petitioner's counsel produced statement of accounts of his wife and in the said account, he received Rs.2,00,000/- from the victim. Further, according to the victims, they paid substantial amount by cash and only part of the amount paid through account.

6. Taking into consideration of the above facts and circumstances 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 blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Ramanathapuram 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 morning at 10.30 am., and evening 05.00 pm., 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].



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

sd/-

02/06/2023

/ TRUE COPY /

02/06/2023

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE COURT NO.II,
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MURUGESAN.M. Advocate SR.No.7932

ORDER

IN

CRL OP(MD) No.9404 of 2023

Date :02/06/2023

SA/VR/SAR. /02.06.2023/3P/7C