



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/06/2023
PRESENT

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

CRL OP(MD) . No.9658 of 2023

1. Jeyaprabha,

2. Durgadevi,

... Petitioners/Accused 5 & 6

Vs

The State rep.by
The Inspector of Police,
Vilakuthoon Police Station (Crime),
Madurai City.
Crime No.124/2023.

... Respondent/Complainant

For Petitioner : M/s.JINNAH S M A,
Advocate.

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

For Intervenor : Mr.G.PRABHU RAJADURAI, Advocate

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

PRAYER :- For Bail in Crime No.124/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A5 and A6, who were arrested and remanded to judicial custody on 15.04.2023(A5) and 21.04.2023 (A6) for the offences punishable under Sections 120(b), 406 and 420 of IPC in Crime No.124 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the de-facto complainant is doing wholesale business in Gold ornaments. A1 is the customer of the de-facto complainant. A1 introduced the other accused persons to the de-facto complainant. All the accused persons purchased gold ornaments from the de-facto complainant on loan basis for the period from October 2022 to January 2023 and thereafter, they have not paid the amount and thereby cheated the de-facto complainant. Totally, all the accused persons have cheated 10 ½ kgs of gold jewels of the de-facto complainant. The value of the cheated gold jewels is Rs.2,80,00,000/-. Hence, the case.



3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that there are 10 accused involved in this case, in which, the petitioners are arrayed as A5 and A6. According to the case of the prosecution, the petitioners are running the self help group and they floated various schemes and they assured to purchase the jewels in their favour for their deposits. Accordingly, they purchased jewels from the de-facto complainant weighing 4.5kgs from October 2022 to January 2023. However, they failed to pay the amount.

5.The learned counsel for the de-facto complainant would submit that the accused had also given cheques and they assured to pay the amount. However, they failed to return the money. That apart, already the de-facto complainant lodged a complaint before the S.S. Colony Police Station, Madurai. The said complaint was enquired and subsequently, it was closed for the reason that another FIR has been registered in Crime No.124 of 2023.

6.On perusal of the records also revealed that no prudent man will supply jewels that too 4.5kgs of without any loan. In fact, on perusal of invoice also revealed that the entire jewels were supplied on credit basis. That apart, the petitioners were arrested and remanded to judicial custody on 15.04.2023 and 21.04.2023.

7.Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Madurai 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 petitioners shall report before the respondent police daily at 10.30 A.M., for a period of four weeks and thereafter, as and when required for interrogation;

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation



[f] the petitioners shall not tamper with evidence or 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

06/06/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL WOMEN PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
VILAKUTHOON POLICE STATION (CRIME),
MADURAI CITY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.JINNAH S M A Advocate SR.No.8133

+1 cc to Mr.G.PRABHU RAJADURAI, Advocate, SR.No.8189 Dt.07/06/2023

ORDER

IN

CRL OP(MD) No.9658 of 2023

Date :06/06/2023

SA/SSS/SAR. /06.06.2023/3P/8C