



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

Date : 07.06.2023
PRESENT

WEB COPY

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

CRL OP(MD)No.9868 of 2023

Suresh Kumar

... Petitioner/Accused 1

Vs

State rep by
The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.
(In Crime No.33 of 2022)

... Respondent/Complainant

For Petitioner : Mr.R.MURUGAPPAN, 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.33 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

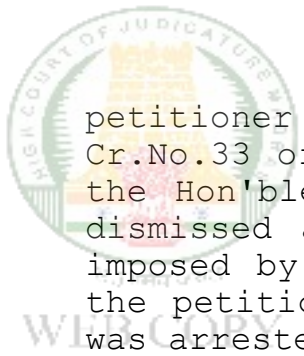
The petitioner/A1, who was arrested and remanded to judicial custody on 17.05.2023 for the offence under section 120B, 406, 420 IPC in Crime No.33 of 2022 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner and other accused received money from the defacto complainant for getting government job. Thereafter, they failed to get any job and also refused to return the money. 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 approached this Court for anticipatory bail and the same was granted on conditions that the

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



petitioner should deposit a sum of Rs.5,50,000/- to the () of Cr.No.33 of 2022. Aggrieved over the same, the petitioner went to the Hon'ble Supreme Court in SLP.No.2911 of 2023 and the same was dismissed and the petitioner was directed to comply the condition imposed by this Court, within two weeks from 26.04.2023. However, the petitioner failed to comply with the condition and as such, he was arrested on 17.05.2023.

5.At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner could not able to mobilize any amount and as such he failed to comply with the condition as directed by this Court and he was arrested.

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-II, Virudhunagar, Virudhunagar 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 petitioner shall report before the respondent police daily at 10.30 A.M., for a period of four weeks and thereafter, as and when required.

[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].



CRL OP(MD)



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

sd/-

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07/06/2023

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

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GNS

TO

- 1 THE JUDICIAL MAGISTRATE COURT-II,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MURUGAPPAN R Advocate SR.No.8209 (I) Dt.07/06/2023.

ORDER

IN

CRL OP(MD) No.9868 of 2023

Date :07/06/2023

SA/SSS/SAR. /07.06.2023/3P/7C