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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/06/2023

PRESENT

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

CRL OP(MD). No.10127 of 2023

Jeyamurugan

... Petitioners/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
Crime No.78/2023.

... Respondent/Complainant

For Petitioner : M/s.Herold Singh S.C,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.78/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

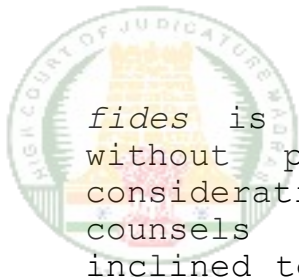
The petitioner /sole accused who was arrested and remanded to judicial custody on 20.02.2023 for the offences under sections 406 and 420 of IPC in Crime No.78 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner/accused committed the offence of criminal breach of trust to the complainant by promising to get a job for the son of the defacto complainant in Delhi Airport and cheated the amount of Rs.11,70,000/- 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 received a sum of Rs.11,70,000/- from the defacto complainant for getting job to his son in Delhi Airport. Now the petitioner in order to show his bona

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fides is also ready and willing to deposit substantiality without prejudice to his rights and defence. Taking into consideration 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, Karaikudi and on further conditions that:

[b] the petitioner shall pay a sum of Rs. 2,00,000/- (Rupees Two lakhs only) to the credit in Crime No.78 of 2023 on the file of the respondent police before the learned Judicial Magistrate, Karaikudi. On such payment, the concerned Magistrate is directed to accept the sureties furnished by the petitioner.

[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., for a period of four weeks and thereafter as and when required for interrogation.

[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 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].

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

sd/-

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

AAV

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TO

1 THE JUDICIAL MAGISTRATE, KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, RAMANATHAPURAM DISTRICT.

4 THE INSPECTOR OF POLICE, KARAIKUDI SOUTH POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC TO MR.S.C.HEROLD SINGH, ADVOCATE, SR-8554[I]

ORDER

IN

CRL OP(MD) No.10127 of 2023

Date :09/06/2023

RS/SSS/SAR-(09.06.2023) 3P 7C