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CRL OP(MD). 1



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/06/2023

PRESENT

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

CRL OP(MD). No.11146 of 2023

Kalidass

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Crime No.110/2023).

... Respondent/Complainant

For Petitioner : M/s.Manikandan G D,
Advocate.
For Intervenor : M/s.S.Parthiban
Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

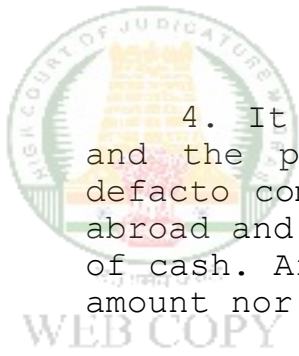
For Bail in Crime No.110 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 11.05.2023 for the offences under sections 406, 420, 294 (b) and 506(ii) of IPC in Crime No.110 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with other accused committed the offence of criminal breach of trust to the defacto complainant and cheated a sum of Rs.16,88,000/- from him and also abused him in filthy language and threatened him with dire consequences, hence the case.

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



4. It is seen that there are totally two accused in this case and the petitioner herein is arrayed as A1. According to the defacto complainant he had paid a sum of Rs.16,88,000/- to get job abroad and that too in Australia and they have paid the money by way of cash. After receipt of amount the petitioner failed to return the amount nor secured the job.

5. The learned counsel for the petitioner would submit that the petitioner had done some carpenter work to the defacto complainant and his mother was suspended due to corruption case when she was working in Registrar Office. Therefore it is completely a false case and no amount has been received by the petitioner.

6. The defacto complainant also produced agreement and also an undertaking affidavit executed by the petitioner herein which reveals that the petitioner had received a sum of Rs.16,88,000/- and he is ready and willing to return the same within three months.

7. Now the learned counsel for the petitioner would submit that without prejudice to his rights and defence he is ready and willing to deposit some amount to the defacto complainant as directed by this Court.

8. 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:

9. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions

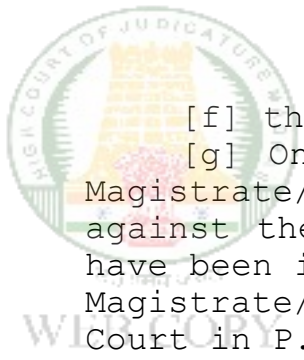
[a] the petitioner shall deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit in Crime No.110 of 2023 on the file of the respondent police before the concerned Magistrate without prejudice to his rights and defence. Further the petitioner is also directed to handover the passport of the defacto complainant to him.

[b] On such payment being made, the petitioner shall 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

[c] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court 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 for a period of four weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness.



[f] the petitioner shall not abscond during trial.

[g] On breach of any of the aforesaid conditions, the learned 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].

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

sd/-

22/06/2023

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22/06/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE, KARAUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL, THIRUPPATTUR.
- 4 THE INSPECTOR OF POLICE, KARAUKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADRURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.D.MANIKANDAN, Advocate (SR-9373[I] dated
22/06/2023)

ORDER

IN

CRL OP(MD) No.11146 of 2023

Date :22/06/2023

RS/SSS/SAR-(22.06.2023) 3P 7C