



Crl.OP(MD)No.15454 of 2023

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

Dated: 11/09/2023

PRESENT

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.15454 of 2023

Vairamuthu

: Petitioner / Accused No.1

Vs.

State rep. by
The Inspector of Police,
DCB Tenkasi Police Station,
Tenkasi District.
(Crime No.16 of 2021)

: Respondent / Complainant

For Petitioner : M/s.C.R.Ponnuthai, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER:-For Bail in Crime No.16 of 2021 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 11/07/2023 for the offence punishable under section 420 IPC, in Crime No.16 of 2021 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that one Dinesh Kumar(A2), who belongs to his village, offered to arrange job in abroad for him. He further stated that a Company located in Sankarankovil will arrange the job, for which, he has required Rs.2,50,000/-. He was referring to one Vairamuth(A1). He met Vairamuthu and gave Rs.70,000/-, on 21/11/2014. A4 namely Vijaya Reddy gave a receipt on the instructions made by A1. He transferred the money to A3's account. Receipts were also issued by A1 and A3. But later, she came to know that they were indulged in cheating the public. Later, they closed the above said company and absconded. On the basis of the complaint given by the de-facto complainant, the above said case was registered as stated above. This petitioner was arrested and remanded to judicial custody.

3.Seeking bail, this petition has been filed.

4.Heard both sides.

5.This petition has been filed on the ground that even as per the allegations made in the FIR, the involvement of this petitioner is not mentioned. It is further submitted that after receiving the entire amount, A3 absconded, so also A2. The entire amount that was received by the petitioner was directly transferred to the account of A3 and A2.

6.The respondent, who is the Investigating Officer is present before this court



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and on enquiry with him, he has submitted that in the course of investigation, it was found that the entire amount the subject matter of this crime was received by this petitioner, later transferred to the account of A3 and A2. Now A2 and A3 are absconding and their whereabouts is not known. A search is being made throughout India. On that account, the respondent is directed to record the statement of this petitioner, when promise was made that he will cooperate with the investigation and share the information regarding whereabouts of A2 and A3.

7. On that account, the respondent was directed to go to Central Prison, Palayamkottai and record the statement of this petitioner.

8. In pursuance of the above said direction, the statement in the form of letter has been recorded. In the course of the above said statement, this petitioner has stated that as on date, whereabouts of A2 and A3 is not known to him. If he is released on bail, he will render all the assistance to secure them.

9. The learned Additional Public Prosecutor would submit that since several innocent persons were cheated, the petitioner must be directed to deposit some amount to show his bona fide. But however, the Investigating Officer himself has submitted that the entire amount that was received by this petitioner was transferred to the account of A3 and A2. As on date, he is not having any amount. Unless A2 and A3 are secured, recovery of the amount may not be possible.



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10. In the interest of victim of crime to get assistance of the petitioner, for the purpose of securing A2 and A3, I am of the considered view that bail may be granted to the petitioner with condition that he must be appear before the respondent police daily at 10.30 am until further orders and assist the Investigating Officer to secure A2 and A3.

11. Accordingly, the petitioner is ordered to be released on bail on condition that he 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, Tenkasi and on further condition that the petitioner shall appear before the respondent police daily at 10.30 am until further orders.

12. Let the development be informed to the court on or before 10/10/2023.

sd/-
11/09/2023

/ TRUE COPY /

11/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER

To

1. The Judicial Magistrate,
Tenkasi

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



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2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
DCB Tenkasi Police Station,
Tenkasi District.

4.The Superintendent,
Central Prison,
Palayamkottai, Tirunelveli.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.R.PONNUTHAI, Advocate (SR-13451[I] dated 11/09/2023)

ORDER

IN

CRL OP(MD) No.15454 of 2023

Date :11/09/2023

ED/ /SAR- (11/09/2023) 5P / 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023