



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

Date : 06/01/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.23308 of 2022
and
Crl.M.P(MD) No.293 of 2023

1. S.Anandhakrishnan
2. S.Dhanasekaran ... Petitioners/Accused No.1&2

Vs

1. The State Rep. by,
The Inspector of Police,
Tallakulam Police Station,
Madurai District.
Cr.No.506/2022. ... Respondent/Complainant

2. P.Arunachalam ... Intervening Petitioner/
Defacto Complainant
in Crl.MP(MD) No.293/2022
in Crl OP(MD) No.23308/2022

For Petitioners : M/s.Jeyakumaran.J,
Advocate.
For Intervenor : M/s.M.Vivek Bharathi
Advocate
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.506/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 13.12.2022 for the offence punishable under Sections 468,471,406 and 420 of IPC in Crime No.506 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the accused persons had induced the defacto complainant that he would get job for him in Aavin and received a sum of Rs.12 lakhs and had issued fake appointment order and had cheated the defacto complainant. Hence the case came to be registered.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they are close relatives of the defacto complainant and they are known to VairavaJeyapandi and Manibharathi who are A3 and A4. Since the defacto complainant was their relative in earnest interest that the relatives would get a job in Aavin they have approached A3 and A4 for getting job to the defacto complainant. Later A3 and A4 have cheated and the petitioners and they are also victims of circumstances. He would further submit that for having introduced A3 and A4 to the defacto complainant the petitioners have jointly repaid an amount of Rs.2,00,000/- and the defacto complainant has also acknowledged the same. He would further submit that the petitioners are ready to abide by any stringent conditions and they are ready to deposit a sum of Rs.1,00,000/- each to the credit of crime Number within three weeks after coming out from jail. He would further submit that the petitioners are in jail from 13.12.2022 hence, he seek bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners and the defacto complainant are relatives and the petitioners herein have introduced the third and fourth accused to the defacto complainant and A3 and A4 for getting a job they have received a sum of Rs.12 lakhs and they have cheated the defacto complainant. He would further submit that the investigation is pending and hence he opposed to grant bail to the petitioners.

5. The learned counsel for the intervenor would submit that only on belief and introduction of the petitioners the defacto complainant had paid the amount to A3 and A4 and the petitioners are responsible for the amount. Hence he objected to grant bail to the petitioners.

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

7. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, 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.25,000/- (Rupees Twenty Five Thousand only), each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Madurai and on further conditions that:

(b) After coming out from prison, within three weeks the petitioners are directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) each to the credit of crime number 506 of 2022 before



the concerned Court, failing which the bail granted to the petitioners shall stand cancelled automatically and the respondent is at liberty to proceed further.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners 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 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];

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/01/2023

/ TRUE COPY /

06/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. THE JUDICIAL MAGISTRATE NO.2,
MADURAI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



3. THE OFFICER-INCHARGE,
SUB-JAIL, MELUR.

4. THE INSPECTOR OF POLICE
TALLAKULAM POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.JEYAKUMARAN.J, Advocate (SR-260[I] dated 06/01/2023)

ORDER

IN

CRL OP(MD) No.23308 of 2022

Date :06/01/2023

USK/SSS/SAR- /06.01.2023/4P/7C