



CRL OP(MD)No.625 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 23/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD)No.625 of 2024

Lakshmanan

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
Kadayanallur Police Station,
Thenkasi District.
(In Crime No.503 of 2023).

... Respondent/Complainant

For Petitioner : Mr.S.Selvakrishnan,
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.503 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who were arrested and remanded to judicial custody on



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29.11.2023 for the offence under Sections 465, 468, 471, 420, 294(b), 506(i) of IPC, in
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Crime No.503 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the petitioner received a sum of Rs.4,50,000/- from the defacto complainant by giving a false promise that he will get a Government Job. After receiving the amount, the petitioner neither secured the job nor repaid the amount. Later, it was came to know that the petitioner along with the other accused cheated Rs.16,50,000/- from many persons on the said false promise. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the total amount cheated from the victims is Rs.16,50,000/-. Out of which, the petitioner already paid a sum of Rs.3,50,000/-. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.3 lakhs to the credit of crime number within a period of two weeks and therefrom. within a period of 6 weeks, he is also ready to deposit further amount of Rs.7 lakhs to the credit of crime number and on such deposit, the learned Magistrate shall disburse the same to the



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defacto complainant and the other victims, from whom the petitioner herein collected the amount, after obtaining a proper affidavit from them. In the event of petitioner succeeding in the case, the amount will be refunded to him. Hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that it is a case of job rocketing. The petitioner cheated the amount of Rs.16,50,000/- from the defacto complainant and the other victims by giving a false promise that he will secure a job in the Government Department. However, the petitioner already paid a sum of Rs.3,50,000/- and now, he is come forward to pay a sum of Rs.3 lakhs to the credit of crime number within a period of two weeks and therefrom, within a period of 6 weeks, he is also ready to deposit further amount of Rs.7 lakhs to the credit of crime number, this Court may consider this petition.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to deposit a sum of Rs.3 lakhs and Rs.7 lakhs to the credit of crime number, this court is inclined to grant bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 conditions that:

(a)(i) the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.503 of 2023 before the learned Judicial Magistrate, Tenkasi within a period of two weeks from the date of receipt of a copy of this order and after enlargement of bail, the petitioner shall deposit further sum of Rs.7,00,000/- (Rupees Seven Lakhs Only) to the credit of Crime No.503 of 2023 before the learned Judicial Magistrate, Tenkasi, within a period of six weeks and on such deposits, the learned Magistrate after enquiry, shall disburse the respective amount to the defacto complainant and the other victims, from whom the petitioner herein collected the amount, after obtaining a proper affidavit from them. In the event of petitioner succeeding in the case, the amount will be refunded to him.

(ii) the petitioner shall make the first deposit before the execution of the sureties and shall make the second deposit after coming out of bail.



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(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 is directed to appear before the respondent police daily at 10.30 a.m., for a period of 2 weeks and thereafter, until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;



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(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
23/01/2024

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23/01/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

To

1. The Judicial Magistrate,
Tenkasi.
2. Do-Through The Chief Judicial Magistrate,
Tirunelveli District.
3. The Officer in Charge,
Sub Jail, Tenkasi.
4. The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SELVAKRISHNAN, Advocate (SR-933[I] dated 23/01/2024)



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ORDER
IN

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Date :23/01/2024

RK/ (23/01/2024) 7P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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