



CRL OP(MD)No.640 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 12/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD)No.640 of 2024

S.Naveen,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
District Crime Branch,
Thanjavur,
Thanjavur District.
(In Crime No.30 of 2023).

... Respondent/Complainant

For Petitioner : Mr.V.MUTHU KAMATCHI,
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.30 of 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 04.12.2023 for the offence punishable under Sections 406 and 420 of IPC in Crime No.30 of 2023, on the file of the respondent Police, seeks bail.



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2.The case of the prosecution is that the petitioner was introduced by one Gunesekaran to the defacto complainant. The petitioner gave a false promise that if the defacto complainant is deposited the amount in the Officers Training Academy, he will get 40% of profit. On believing his words, the defacto complainant deposited a sum of Rs.10,70,000/-. Thereafter, the petitioner neither gave profit nor returned the amount. Thereby, the defacto complainant made a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and remanded to judicial custody on 04.12.2023. However, the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.4,00,000/-(Rupees Four Lakhs only)to the credit of crime number and on such deposit, the learned Magistrate shall disburse amount of Rs.1 Lakh to each victim after obtaining a proper affidavit. In the event of petitioner succeeding in the present case, the deposited 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 investigation is not yet completed.

5.Considering the facts and circumstances of the case and period of incarceration



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suffered by the petitioner and also considering the fact that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.4,00,000/- to the credit of crime number, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

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 Judicial Magistrate Court No.II, Thanjavur and on further conditions that:

(a) 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;

(b) the petitioner shall appear before the respondent police daily at 10.30 am., until further orders;

(c) the petitioner is directed to deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of Cr.No.30 of 2023 before the learned Judicial Magistrate No.II, Thanjavur and on such deposit, the learned Magistrate shall disburse amount of Rs.1 Lakh to each victim after obtaining a proper affidavit from them. In the event of petitioner succeeding in the present case, the amount will be refunded to him.



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(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;

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

sd/-
12/01/2024

/ TRUE COPY /

12/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.

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



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THANJAVUR,
THANJAVUR DISTRICT.

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

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-691[I] dated 12/01/2024)

ORDER
IN
CRL OP(MD) No.640 of 2024
Date :12/01/2024

SA/SAR. /12.01.2024/5P/C

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