



CRL OP(MD). No.1851 of 2024

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

Date : 07/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1851 of 2024

Jegan,

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
CCD-III,Trichy.
In Crime No.1/2024..

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar,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.1/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 10.01.2024 for the offence punishable under Section 420 IPC and Section 66D of the Information Technology (Amendment) Act, 2008 in Crime No.1 of 2024 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 03.12.2023, the petitioner claiming to be an

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Agarpathi Seller came to the village of the defacto complainant and sold Agarpathi to the local people. The defacto complainant has also purchased the Agarpathi, in which, a coupon was there and she was given a stove and grinder. Thereafter, she received a phone call that she was selected in the lucky draw conducted for giving bumper prize and she has to pay a sum of Rs.24,600/- to the petitioner. Accordingly, she has paid the same amount, however, the petitioner has cheated the defacto complainant without distributing the gift. 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 such offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case and the co-accused has been granted anticipatory bail by this Court in Crl.O.P(MD).No.967 of 2024 on 05.02.2024. However, on instructions, he would submit that the petitioner is ready to deposit a sum of Rs.26,000/-, to the credit of Crime No.1 of 2024 before the trial Court without prejudice to his rights and contentions and the trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that in the event the petitioner succeeds in the trial, liberty may be granted to the petitioner for refund of the said amount. He would further submit that the petitioner is in judicial custody from 10.01.2024. Hence, he prays for bail.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is yet to be completed.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration and the fact that the co-accused has been granted anticipatory bail by this Court in Crl.O.P(MD).No.967 of 2024 on 05.02.2024 , this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. 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 No.V, Trichy, 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 is directed to appear before the respondent police daily at 10.30 a.m., until further orders.

(c) as per the undertaking given by the petitioner, the petitioner shall make a payment of Rs.26,000/- (Rupees Twenty Six Thousand only) to the credit of Crime

No.1 of 2024 before the learned Judicial Magistrate No.V, Trichy, without prejudice to
<https://www.mhc.tn.gov.in/judis>



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his rights and contentions and the trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that in the event the petitioner succeeds in the trial, he is entitled for refund of the said amount;

(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/-
07/02/2024

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07/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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SSB
TO

- 1 THE JUDICIAL MAGISTRATE NO.V
TRICHY
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
CCD III,
TRICHY,
- 4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-1514[I] dated 07/02/2024)

ORDER
IN

CRL OP(MD) No.1851 of 2024
Date :07/02/2024

PKP/07.02.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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