



CRL OP(MD). No.3601 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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M.Chakravarthy @ Sibi Chakravarthy,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Thiruvidaimarudhur Police Station,
Thanjavur District.
Crime No .768 of 2023..

... Respondent/Complainant

For Petitioner : Mr.K.Navaneetharaja
for Mr.S.Babu

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.768 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



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custody on 19.01.2024 for the alleged offence punishable under Sections 294(b), 406, 420, 468, 376, 493 and 506(1) IPC in Crime No.768 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner has registered his name with false particulars in the Bharat Matrimony and contacted the defacto complainant and convinced her for marriage and based on the said promise, the petitioner had cheated gold jewels and Rs.33,00,000/- from the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that the petitioner is in judicial custody for more than 46 days. He would further submit that the petitioner has given a sum of Rs.18,00,000/- by way of Demand Draft to the defacto complainant and prior to that, Rs.1,00,000/- has been given to her. He would further submit that gold articles has been handed over to the defacto complainant and the remaining balance amount of Rs.14,00,000/- will be paid to the petitioner within a period of three months from the date of enlarging the bail to the petitioner by this Court and hence, he prays for grant of bail.



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4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner has cheated totally a sum of Rs.33,00,000/- from the defacto complainant, for which, Rs.20,00,000/- and gold ornaments were already handed over to the defacto complainant and he vehemently opposed for grant of bail to the petitioner herein.

5. Today, the affidavit filed by the petitioner has been produced before this Court and the relevant portions in the affidavit are extracted hereunder:

“3. I humbly submit that the alleged case of the prosecution that I registered my name with false particulars in the Bharat Matrimony and contacted the defacto complainant and convinced her for marriage and based on the said promise, had cheated gold jewels of 14 sovereign and 33 Lakhs money from the defacto complainant.

4.I humble submit that at the time of arrest, the respondent Police recovered 14 sovereigns of gold jewels and Rs.1,00,000/- from me. Thereafter, the defacto complainant has filed a petition before the learned Judicial Magistrate, Thiruvidadaimarudhur, Thanjavur and received the same. I have not committed any offence as alleged by the prosecution and the



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respondent Police foisted a false case against me and the respondent Police having nocturnal approach also. I have not any involvement with the alleged occurrence.

5.In this situation, I have move a bail petition before this Hon'ble Court for enlarging the bail. For best advice of the elders of the family and friends, I have taken a Demand Draft for a sum of Rs.18,00,000/- in the name of defacto complainant and the same handed over to her before this Hon'ble Court.

6.I humble submit that I am ready and willing to return the remaining amount a sum of Rs.14,00,000- to the defacto complainant on or before three months from the date of enlarging the bail to me."

6. Considering the facts and circumstances of the case and considering the period of incarceration suffered by the petitioner and also considering the undertaking affidavit filed by the petitioner, 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, Thiruvaidaimarudhur, Thanjavur** and on further conditions that:



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(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) as per the undertaking given by the petitioner, the petitioner shall make a Demand Draft for a sum of Rs.14,00,000/- to the defacto complainant within a period of three months from the date of enlarging the bail to the petitioner. If the petitioner failed to repay the said amount to the defacto complainant within a period of three months from the date of enlarging the bail to the petitioner, the bail granted by this Court shall stand automatically cancelled.

(c). the petitioner is directed to appear before the Inspector of Police, Villupuram Town Police Station daily at 10.30 A.M., till the payment is made by the petitioner;

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



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trial;

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

(e)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;

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

(g) Liberty is granted to the petitioner to file a relaxation petition before the concerned Judicial Magistrate after the entire payment is made by him.

sd/-
11/03/2024

/ TRUE COPY /

11/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TSG
TO
WEB COPY

- 1 THE JUDICIAL MAGISTRATE
THIRUVIDAIMARUTHUR, THANJAVUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,
SUB PRISON, THIRUVIDAIMARUTHUR, THANJAVUR.
- 4 THE INSPECTOR OF POLICE
THIRUVIDAIMARUDHUR POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
VILLUPURAM TOWN POLICE STATION, VILLUPURAM.

+3 CC to M/s.S.BABU, Advocate (SR-3015[I] dated 11/03/2024)

ORDER
IN
CRL OP(MD) No.3601 of 2024
Date :11/03/2024

SS/SAR- /11/03/2024/7P/10C

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