



CRL OP(MD). No.7374 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.7374 of 2024

Rahul Shah

... Petitioner/ Accused No.4

Vs.

State represented by
The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal, Dindigul District.
In Cr.No.99 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.K.Arunraj, Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,,
Additional Public Prosecutor

For Intervenor : Mr.R.Shankar Ganesh.

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

PRAYER :-

For Bail in Crime No.99 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner / Accused No.4, who was arrested and remanded to judicial custody on 27.03.2024 for the offences under Sections 406, 420 and 469 of IPC, in Crime No.99 of 2024 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner and other accused persons had misappropriated a sum of Rs.3,48,971/- through online by representing themselves that they were arranging tour package to the customers in the name and style of Dream Gateway and had cheated the defacto complainant. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and is no way connected with the alleged offences. Actually, the petitioner was working as an employee under the first accused. During the vocational trip to Kodaikanal, the petitioner voluntarily roped into the present case even he has not known Tamil Language. The first accused only had received the tour package amount through online for a sum of Rs.3,48,971/- and the petitioner is not aware of the such incidents. Further, the petitioner is in custody from 27.03.2024. However, the



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petitioner is ready to deposit a sum of Rs.2,00,000/- to the Government Model Girls Higher Secondary School, Y.Othakadai, Madurai, without prejudice to his defence before the trial Court. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that investigation is not yet completed. Hence, he vehemently opposed to grant of bail to the petitioner.

5. Heard both sides. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration, 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 learned Judicial Magistrate No.II, Kodaikanal, and

on further conditions that :-

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[a] as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.2,00,000/- (Rupees Two Lakhs only) in favour of the Headmaster, Government Model Girls Higher Secondary School, Y.Othakadai, Madurai, bearing Account No.10968750674, IFSC No.SBI0002246, State Bank of India, Othakadai Branch, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties; Thereafter, the Headmaster of the School shall spend the amount for purchasing the benches and desks for 12 newly constructed class rooms under "Namakku Naame" Scheme and file necessary proof before the learned Magistrate;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation;

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial

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Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/05/2024

/ TRUE COPY /

22/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KODAIKANAL
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
KODAIKANAL,
DINDIGUL DISTRICT.



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- 4 THE OFFICER INCHARGE
SUB JAIL, DINDIGUL
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMASTER
GOVERNMENT MODEL GIRLS HIGHER SECONDARY SCHOOL,
Y.OTHAKADAI, MADURAI.

+1 CC to M/s.K.ARUN RAJ, Advocate (SR-5624[I] dated 22/05/2024)

+1 CC to M/s.R.SHANKAR GANESH Advocate (SR-5655[I] dated 23/05/2024)

ORDER

IN

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Date :22/05/2024

PKP/22.05.2024/ 6P/ 9C

Madurai Bench of Madras High Court is issuing certified
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