



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.11623 of 2024

Murugan

... Petitioner/ Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District.
(Crime No 215 of 2024)

... Respondent/ Complainant

For Petitioner : M.Jerin Mathew,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : Mr.M.Kaliraj,
Advocate.

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

PRAYER :-

For Bail in Crime no 215 of 2024 on the file of the Respondent Police.



ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 12.07.2024 for the offences punishable under Sections 316(2), 318(2) and 318(4) of the Bharathiya Nyaya Sanhita, 2023, in Crime No.215 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the other accused have received a sum of Rs.10,81,000/- from the defacto complainant in order to secure a government job for her son. But, Thereafter, they neither secured the job and nor repaid the amount. Thereby, they cheated the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner the petitioner is innocent and he has not committed any offence as mentioned in the FIR. He would further submit that the petitioner is in judicial custody from 12.07.2024 and hence, he may be granted bail.

4.The learned counsel for the defacto complainant would submit that the petitioner and the other accused have cheated the amount of Rs.10,81,000/- from the defacto complainant by giving a false promise that they secure a government job. Among Rs.10,81,000/-, they only paid a sum of Rs.50,000/-. Hence, he vehemently, opposed to grant bail to the petitioner.



5.The learned Additional Public Prosecutor would submit that 7 witnesses have been examined and the investigation is in preliminary stage. Hence, he opposed to grant bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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, Bodinayakkanur.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) to the credit of Crime No.215 of 2024 without prejudice to his right before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(iii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iv)the petitioner shall not tamper with evidence or witness;

v)the petitioner shall not abscond during trial.



vi) 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].

vii) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/07/2024

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
BODINAYAKKANUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THENI
DISTRICT.
- 3 THE OFFICER IN CHARGE,
SUB JAIL, UTHAMPALAYAM..
- 4 THE INSPECTOR OF POLICE
BODINAYAKKANUR TOWN POLICE STATION,
THENI DISTRICT



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

+1. CC to M.JERIN MATHEW Advocate SR.No.8975

ORDER
IN
CRL OP(MD) No.11623 of 2024
Date :30/07/2024

MGJ(30.07.2024) 5P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023