

In the Court of the Principal District Judge, Madurai.

Present : Tmt.A. Nazeema Banu, B.A., L.L.M.,

Principal District Judge, Madurai.

Tuesday, this the 14th day of July -2020.

Crl.M.P.No.3317/2020

Balaji,S/o.Sundarajan

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Karimedu,P.S. Cr.No.996/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.K.S.Rajan, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Bail application u/s. 439 of Cr.p.c.
2. The offences alleged are U/s. 406, 420 and 506(i) of IPC
3. Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioner while advancing his argument has submitted that the date of occurrence was 3.4.2019 and the FIR has been registered on 14.6.2020. The petitioner was arrested and remanded to judicial custody on the very same date and he is in custody for the past 31 days. As per the prosecution, the defacto complainant's son is working in a College at Coimbatore and he wanted to get a job for his son in the Railways at Madurai. Therefore, he approached the petitioner and others and they have obtained Rs. One lakh each from the defacto complainant and his other 2 friends namely Prakash and Mayalagu and obtained a sum of Rs. 3 lakhs from the defacto complainant as well as from the Mayalagu and Prakash at Mapalayam, Archana Hotel. But, the petitioner has nothing to do with the affairs. The accused Renganathan alone obtained money from the defacto complainant and others. Hence he prays to grant bail to the petitioner.

5. The learned public prosecutor would submit that there are totally 9 accused in this case, the occurrence took place on 3.4.2019. The defacto complainant wanted to get a job for his son at Railways, therefore, he approached one of the accused Boominathan in this case, and the said Boominathan introduced the accused Renganathan, who is working as a Railway contractor and the petitioner/Balaji. They told the defacto complainant and others that they are officers of the Railways and the petitioner has obtained Rs. 3 lakhs from the defacto complainant and two others. They have told that they would fetch job for SC & ST candidates at Railways without conducting any examination and they have conducted only oral interview. Further, the learned public prosecutor while advancing his argument has specifically stated as this crime number is concerned, one Boominathan has obtained Rs.7 lakhs from various persons for getting job in the Railway and handed over the said Rs.7 lakhs to the accused Renganathan and the petitioner/Balaji was with the said Renganathan.

6. Further, the learned counsel for the petitioner would submit that the petitioner has not given any assurance for getting job and he has not obtained money from any person and he has not given appointment order for any person and he has not intimidated any person, which was admitted by the public prosecutor. Therefore, considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner on condition.

7. In the result, the Petitioner is ordered to be enlarged on bail on his executing an own bond for Rs.10,000/- to the satisfaction of the **Superintendent, District Jail, Theni**. After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond each for Rs.10,000/- with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioner shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m.,

until further orders. The petitioner shall co-operate with the investigation and he shall not threaten the witnesses, he shall not induce witnesses and he shall not cause obstacles to the pending investigation. If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in *P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560*. Accordingly, the petition is allowed.

Pronounced by me in Camp Court on the 14th day of July -2020.

Sd/- A.Nazeema Banu
Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Karimedu, P.S.
3. The Superintendent, District Jail, Theni.
4. The Petitioner through his counsel.