

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.

CrI.M.P.No.3314/2020 & 3315/2020.

Suresh @ Sureshkumar,S/o.Arumugam

... Petitioner/Accused.
in Crmp No.3314/2020.

P.Boominathan,S/o.Ponnusamy

... Petitioner/Accused.
in Crmp No.3315/2020.

Vs

State through the Inspector of Police,

... Respondent/Complainant.

S.S.Colony P.S. Cr.No.1444/2020.

in Both Petitions.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.C.Bharathiraja, Advocate for the petitioner in Crmp 3314/2020 and Thiru.A.G.Sathiyamoorthy, Advocate for the petitioner in Crmp 3315/2020 and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1.Bail applications u/s. 439 of Cr.p.c.

2. The offences alleged are U/s. 364(A), 342, 368, 324 and 506(ii) of IPC.

3. Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioners in Cr.M.P.Nos.3314/2020 & 3315/2020 would submit that a case has been registered against the accused in Cr.No.1444/2020 of S.S. Colony P.S. U/Sec. 364(A), 342, 368, 324 and 506(ii) of IPC. The date of occurrence was on 11.6.2020. The petitioners were arrested on 13.6.2020 and they are in judicial custody for the past 32 days. The petitioners are arrayed as A1 and A3. The case of prosecution is that the defacto complainant's husband namely Renganathan was working as daily wages in Railway Contract and he offered

job for SC/ST people, and he has stated that he would offer job to the SC/ST directly by attending the interview. The petitioners believing the words of the said Renganathan and gave Rs.38,000/ to him and he cheated the A2. On 31.1.2010, the petitioners found that the order issued by the defacto complainant's husband was forgery. In respect of which, the A2 gave complaint before the CCB Police and the said Renganathan was called for enquiry on 15.2.2020, A2 was also went for enquiry on that date. The said Renganathan did not co-operate for the enquiry and he was absconded and after 6 months he was brought by the 1st accused Boominathan, who is the mediator between the defacto complainant's husband and the A2. The petitioners demanded rupees from the defacto complainant's husband and they have not kept him in custody as stated by the prosecution. Originally F.I.R. registered u/s. 364(A) IPC only. Subsequently, it was manipulated. The A3 is a advocate Clerk. The co-accused/A2, A4 and A5 have been granted bail by this Court in Cr.M.P.No.3285/2020 dated: 10.7.2020 and prays to grant bail to the petitioners .

5. The learned public prosecutor would submit that One Nagalakshmi has lodged a complaint before the S.S. Colony P.S. stating that her husband who went out has not returned. On search, the police found whereabouts of the Renganathan, on 13.6.2020, these accused confined him, after kidnapping him to extract money from the said Renganathan. The accused have also given complaint against the said Renganathan and he was also remanded in that case in Cr.No.996/2020. The co-accused have been granted bail by this Court. He has not raised any serious objection in granting bail to the petitioners. Therefore, considering the incarceration period for the past 32 days and co-accused have been granted bail, this Court is inclined to grant bail to the petitioners in Cr.M.P.Nos.3314/2020 & 3315/2020.

6. In the result, the Petitioner in Cr.M.P.No.3314/2020 is ordered to be enlarged on bail on his executing an own bond for Rs.10,000/- to the satisfaction of the **Superintendent, Sub Jail, Thirumangalam** and the Petitioner in Cr.M.P.No.3315/2020 is ordered to be enlarged on bail on his executing an own bond for Rs.10,000/- to the satisfaction of the **Superintendent, Central Prison, Madurai**. After a period of 6 weeks, the petitioners 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 petitioners shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders. The petitioners shall co-operate with the investigation and they shall not threaten the witnesses, they shall not induce witnesses and they 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, S.S.Colony P.S.
3. The Superintendent, Sub Jail, Thirumangalam
4. The Superintendent, Central Prison, Madurai.
5. The Petitioner through his counsel.