

**IN THE COURT OF JUDICIAL MAGISTRATE NO. IV: MADURAI.**

Present Thiru.R.Sundara Kamesh Marthandan, B.L.

Judicial Magistrate No.IV, Madurai

Monday on this 14<sup>th</sup> day of September 2020

Cr.M.P.No. 803 of 2020

Senthilkumar  
son of Chandiran

... Petitioner/ 1<sup>st</sup> Accused

State of Tamil Nadu,  
Represented by Sub-Inspector of Police,  
South Gate Police Station.  
Crime No.1002 of 2020  
under Section 406 and 420 IPC

... Respondent/Complainant.

Cr. M.P. No.825 of 2020  
in  
Cr.M.P.No.803 of 2020

T.Shanmugam, (40/2020),  
Son of Thiyagarajan,  
Partner in Sun Jewelry,  
No.21/12, Chokkan Kothan Street,  
Kansa Mettu Street, Madurai-1.

--Petitioner/Intervener/  
Defacto Complainant

-vs-

Senthilkumar  
son of Chandiran

... 1<sup>st</sup> Respondent/ 1<sup>st</sup> Accused

State of Tamil Nadu,  
Represented by Sub-Inspector of Police,  
South Gate Police Station.  
Crime No.1002 of 2020  
under Section 406 and 420 IPC

... 2<sup>nd</sup> Respondent/Complainant.

The Petition in Cr.M.P.No.803/2020 filed under Section 437 Code of Criminal Procedure.

The Petition in Cr.M.P.No.825/2020 filed under Section 24(8) and 301(2) Code of Criminal Procedure.

These Petitions coming up today before me in the presence of Mr.V.Prabhu counsel for the Petitioner/1st Accused and Mr.M.Ramasamy and learned Assistant Public Prosecutor for the State and upon hearing their arguments, this court passes the following :-

**ORDER**

1) The Petition in Cr.M.P.No.803/2020 is filed under Section 437 Cr. P.C. The Petitioner was arrested for offence alleged under Section 406 and 420 IPC and remanded to Judicial Custody on 14.08.2020.

2) The Petitioner contend that he is a law abiding citizen and that he will not abscond. He is innocent and he has not committed any offence as alleged. He is judicial custody for the past thirty two days. The petitioner in Cr.M.P.No.825/2020 sought leave of this court to intervene in the above bail petition.

3) The Intervenor had submitted the he is the de-facto complainant. A5 Babu who was working as gold smith under him brought the 1<sup>st</sup> Accused Senthilkumar through the 4<sup>th</sup> Accused Ramesh Babu. Believing them the intervenor gave 610 grams of gold jewels to the 1<sup>st</sup> Accused having received 610 grams of gold jewels worth Rs.21,00,000/-(Rupees Twenty one lakhs only) on that date the petitioner 1<sup>st</sup> Accused had not paid it's value.

4) The petitioner 1<sup>st</sup> Accused is habitual offender. During 2016 he has cheated in the same manner and case in C.C.No.22/2017 is pending before this Court. Further the other accused are still absconding. If the petitioner is enlarged on bail he will also

abscond. The intervenor further argued that during the year 2016 the petitioner 1<sup>st</sup> Accused filed insolvency petition in I.P.No.40/2016 and allowed the same to be dismissed for default. Further during year 2019 he had filed another insolvency petition I.P.No.33/2019. Further on 30.04.2020 he had filed another insolvency petition.

5) The Respondent/Complainant in their reply had strongly opposed granting of bail to Petitioner, that the investigation is in preliminary stage. If he is enlarged on bail, there is possibility of him, committing similar offences. The investigation is not yet completed. He will abscond.

6) The rival submissions made by all parties was considered. In the above days 4<sup>th</sup> Accused Ramesh Babu has been granted anticipatory bail, by the Hon'ble Madurai Bench of Madras High Court vide order dated 26.08.2020 in Criminal O.P (MD) No.8784/2020. Further upon perusal of material records it is scene that the complaint dated 13.08.2019 was given by the de-facto complainant to the Commissioner of Police, Madurai and the same was forwarded to the Assistant Commissioner of Police on 09.01.2020. Subsequently the respondent/Complainant had registered FIR on 13.08.2020. Though the intervenor had stated that the petitioner/1st Accused had filed insolvency petition, no documents to substantiate such claim. Further on perusal of records it could be seen that the Petitioner is in Judicial Custody for the past 32 days, hence this Court is inclined to enlarge the Petitioner on bail, subject to the following conditions: -

- a. The Petitioner/1st Accused shall execute a bond for Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties for Rs. 10,000/- (Rupees Ten Thousand Only) each.
- b. Thereafter the Petitioner/1st Accused shall appear before the Respondent Police for a period of Four weeks, daily morning and evening at 10 am and 5 pm.

- c. The Petitioner/1st Accused shall not tamper with evidence, threaten, coerce or in any way dissuade the witness to the incident.

Dictated by me to the Steno Typist and Typed by her in computer directly and corrected and Pronounced by me via e-mail on this 14<sup>th</sup> day of September 2020.

S/d- R.Sundara Kamesh Marthandan,  
Judicial Magistrate IV,  
Madurai.