



CRL OP(MD)No.18626 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17.10.2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD)No.18626 of 2023

Rajkumar

... Petitioner/ Accused

Vs

The Inspector of Police,
DCB Police Station,
Thoothukudi, Thoothukudi District.
(Crime No.27 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.N.PRAGALATHAN, Advocate

For Respondent : Mr.RMS.SETHURAMAN, Additional Public Prosecutor.

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

PRAYER :- For Bail in Crime No.27 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 01.09.2023 for the alleged offence punishable under Sections 406, 420, 294(b), 506(i) IPC in Crime No.27 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that first accused received jewels from so many persons and pledged the same in Muthoot Finance at Puthiyamputhur, at Thoothukudi, on promise of giving huge returns for the said jewels. She also conspired with other accused and mortgaged the jewels in their names also. Totally, A1 received 85 sovereigns of gold from the defacto complainant and his relatives.



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When the defacto complainant asked about the amount, the first accused threatened him with dire consequences. Hence the case.

3.The learned counsel appearing for the petitioner would contend the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is an employee of the Muthoot Finance Company and there is no specific overt act as against the petitioner herein and he is in custody from 01.09.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner along with other accused conspired together and collected jewels from the villagers and pledged the same in the Muthoot Finance Company. Thereafter, they failed to give money and also failed to return the jewels. Hence, he strongly objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

5.Heard both sides and perused the materials available on record.

6.Considering the nature of allegations made against the petitioner and also considering the period of incarceration and taking note of the fact that no previous case is pending against the petitioner and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs.

CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the



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petitioner, this Court is inclined to grant bail to the petitioner.

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7. Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the Judicial Magistrate Court No.4, Thoothukudi and on further conditions that:

- (i) the petitioner shall appear before the trial Court on receipt of summons.
- (ii) the petitioner shall not tamper with evidence or witness;
- (iii) the petitioner shall not abscond during trial.

(iv) 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].

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

sd/-
17/10/2023

/ TRUE COPY /

17/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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GNS

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE COURT NO.4, THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT JAIL, PERURANI,
THOOTHUKUDI DISTRICT.

4 THE INSPECTOR OF POLICE,
DCB POLICE STATION, THOOTHUKUDI, THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-15322[I] dated 17/10/2023)

ORDER IN

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Date :17/10/2023

SA/SAR. /17.10.2023/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.