



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

Thursday, the Twenty Eighth day of April Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH
CRL OP(MD) No.7386 of 2016

KRISHNAMOORTHY

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI
CR.NO.259 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S K.KUMARAVEL Advocate
For Respondent : MR.A.P.BALASUBRAMANI, Govt. Advocate (Crl. Side)
For Intervenor : D.Selvanayagam, Advocate.

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 16.03.2016, for the offences punishable under Sections 420,294(b),506(ii) IPC and Section 3(1)(x) of SC/ST (POA) Act, in Crime No.259 of 2016, on the file of the respondent Police, seeks bail.

2. Heard Mr.R. K.Kumaravel, learned counsel appearing for the petitioner / Accused, Mr. D. Selvanarayanan, learned Counsel appearing for defacto complainant and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is alleged by the prosecution that the petitioner was the Personal Assistant under the State Minister of Tamil Nadu and he has collected money from the defacto complainant, on promise of getting a job and cheated the defacto complainant. While so, the petitioner was arrested on 16.03.2016 and he is in custody.

4. The learned counsel appearing for the defacto complainant vehemently opposed the grant of bail to the petitioner on the ground that the petitioner should be directed to deposit the amount, which is said to have been cheated.

5. If this is an application for anticipatory bail, this Court would have accepted to the request of the defacto complainant and direct the accused to deposit the amount, but, this is a regular bail. Thus, it will not be desirable to direct the accused to deposit the amount, when he is under incarceration.

5. The learned Government Advocate (Crl. Side) submitted that the investigation is almost over.

6. Taking into consideration the nature of allegations made against the petitioner, this Court is of the view that this is a fit case to grant bail to the petitioner / Accused. Accordingly, he is ordered to be

<https://hcservices.mca.gov.in/hcservices/> subject to the following conditions:

(i) the petitioner / Accused shall execute a bond for a



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sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned II Additional Sessions Judge (PCR) Court, Thirunelveli.

(ii) Since there is a life threat, the petitioner / Accused shall stay at Thiruthani and report before Thiruthani Town Police Station daily at 10.30 am and 6.30 pm until further orders.

(iii) the petitioner / Accused shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner / Accused shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner / Accused in accordance with law as if the conditions have been imposed and the petitioner / Accused 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].

5. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

28/04/2016

/ TRUE COPY /

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

TO

- 1 THE II ADDITIONAL SESSIONS JUDGE (PCR) COURT, TIRUNELVELI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE INSPECTOR OF POLICE, THIRUTHANI TOWN POLICE STATION, THIRUTHANI.
- 6 THE INSPECTOR OF POLICE, THOOTHUKUDI CENTRAL POLICE STATION, THOOTHUKUDI

+1. CC to M/S K.KUMARAVEL Advocate SR.No.24572.

ORDER

IN

CRL OP(MD) No.7386 of 2016

Date : 28/04/2016

AM/NGM.SS/SAR-I/28.04.2016/2P/8C

<https://hcservices.ecourts.gov.in/hcservices/>