



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

Friday, the Thirteenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.11876 of 2018

MUTHUKUMAR

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.
IN CRIME NO.23 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.RANJITH, Advocate
For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl. Side)
For Intervenor : MR.VIJAYA BOOMINATHAN, Advocate

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

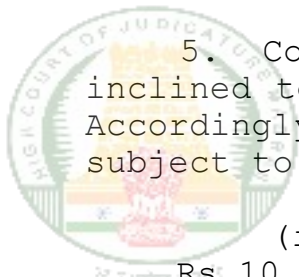
ORDER : The Court Made the following order :-

The petitioner is arrayed as Accused No.2. He was arrested and remanded to judicial custody on 27.06.2018 for the offences punishable under Sections 120(b), 406, 420 and 506(i) of I.P.C., in Crime No.23 of 2018 on the file of the respondent police. He seeks bail.

2. In this case, loan has been obtained from the defacto complainant by pledging the cashew nuts. But then, the cashew nuts bags have been found fake. In this regard a case was registered against six persons. The petitioner is the husband of the third accused. The third accused moved for anticipatory bail before this Court. This Court granted her relief on condition that she shall pay a sum of Rs.15,00,000/- to the institution concerned. The petitioner before this Court is not the borrower and this is the application for bail.

3. The learned counsel for the defacto complainant strongly submitted that a sum of Rs.95,00,000/- is involved. Since the first accused was not willing to make any payment, this Court declined his relief.

4. It is made clear that even if the first accused surrendered or arrested with bail application, it comes out for hearing, he ought to be put on terms. This is because public funds are involved. But then this petitioner is not the borrower.



5. Considering this aspect of the matter, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Theni, Theni District.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the 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 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].

sd/-
13/07/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THENI,
THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL,
PERIYAKULAM, THENI DISTRICT.
4. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.N.RANJITH Advocate SR.No.13058

ORDER
IN
CRL OP(MD) No.11876 of 2018
Date :13/07/2018

MS/MMS/VK/13.07.2018/2P.7C

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