



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

Monday, the Third day of December Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21164 of 2018

WEB COPY

MURUGAN

... PETITIONER/ SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT
Crime No.219/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.ANGUSAMY Advocate

For Respondent : Mr.S.CHANDRASEKAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

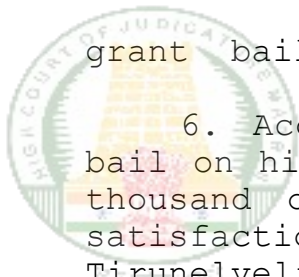
The petitioner was arrested and remanded to judicial custody since 26.10.2018 for the offences punishable under Sections 406 and 420 IPC, in Crime No.219 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant was working as a Conductor in the Ganapathi Bus service. During that period the petitioner and de-facto complainant came to know each other. On 23.12.2012, the petitioner is said to have approached the defacto complainant and his wife Sophia Rosy stating that a granite quarry is for sale at Panakulam, for which, the defacto complainant has pledged his wife jewels and had paid a sum of Rs.28,00,000/-. On such receipt, an agreement was entered between them and the business was not commenced. Hence, the defacto complainant had preferred a complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged occurrence.

4.The learned Additional Public Prosecutor for the respondent submitted that investigation is pending.

5. Considering the facts and circumstances of the case, considering the period of incarceration of the petitioner and it is a business transaction of the year 2012 and no reason has been given for the delay in lodging the complaint, this Court is inclined to



grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Cheranmahadevi, Tirunelveli District and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

03/12/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTATE, CHERANMAHADEVI, TIRUNELVELI DISTRICT.

2.THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION, TIRUNELVELI DISTRICT.

4.THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to Mr.V.ANGUSAMY Advocate SR.No.22539

ORDER

IN

CRL OP(MD) No.21164 of 2018

Date :03/12/2018