



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

Tuesday, the Fourth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.15779 of 2018

1.R.MOHAN
2.RAJANGAM

... PETITIONERS / ACCUSED
No 1 and 2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI, THENI DISTRICT,
Crime No.31/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.P.GUNASEKARAN Advocate

For Respondent : Mr.V.NEELAKANDAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners are in judicial custody since 01.08.2018 for the offences punishable under Sections 120(b), 406 and 420 I.P.C, in Crime No.31 of 2018 on the file of the respondent police. They seek bail.

2.The case of the prosecution is that the defacto complainant availed loan amount of Rs.4,00,000/- and he was paid a sum of Rs.2,00,000/- and it was represented by the Finance Company that the remaining amount would be credited in his bank account. Subsequently, he came to know that the remaining Rs.2,00,000/- was credited in the Bank account maintained by the second petitioner. Hence, the case has been registered.

3.The learned counsel appearing for the petitioners would submit that the first petitioner is only an employee of the finance company and the second petitioner has not played any role in the transaction alleged by the prosecution and if the loan amount was not paid to the defacto complainant, he should have initiated proceedings against the company, where he availed the loan. He further submitted that the petitioners are in incarceration from 01.08.2018 onwards. Hence, he prays for bail to the petitioners.

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

4.The learned Additional Public Prosecutor appearing for the



respondent submitted that the first accused was working as a clerk and the second accused is the father of the first accused. The first accused has transferred a sum of Rs.2,00,000/- to the account of the second accused. Hence, he vehemently opposed the grant of bail to the petitioner.

5. Considering the above facts and circumstances and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners shall deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of Crime No.31 of 2018 before the learned Judicial Magistrate, Theni.

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

(iii) the petitioners 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.

sd/-
04/09/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THENI.

2. THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI, THENI DISTRICT,

4. THE SUPERINTENDENT, CENTRAL PRISON MADURAI.

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

+1. CC to Mr. P. GUNASEKARAN Advocate SR.No.16797

ORDER
IN
CRL OP(MD) No.15779 of 2018
Date : 04/09/2018