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

Thursday, the Fourth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5123 of 2019

BALASUBRAMANIAN ... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
KALAKAD POLICE STATION
TIRUNELVELI DISTRICT.
Crime No.100 of 2019 ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.J.JEYAKUMARAN 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, who was arrested and remanded to judicial custody since 15.03.2019 for the offence punishable under Sections 420, 294 (b), 324, 307, 506 (2) of IPC in Cr.No.100 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner pledge the fake gold bangle to the defacto complainant and received a sum of Rs.2,000/- from him. Hence, this complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is ready to deposit a sum of Rs.2,000/- in Crime number thereafter the said amount may disburse to the defacto complainant. Hence he prayed for bail.

4.The learned Government Advocate (Crl. Side) would submit that there is three previous cases pending against the petitioner similar in nature and the petitioner is ready to deposit a sum of Rs.2,000/- without prejudice to his rights and prayed for granting bail.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact, this Court is inclined to grant bail to the petitioner.

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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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Nanguneri and on further condition that:

(a) the petitioner shall deposit a sum of Rs.2,000/- (Rupees Two Thousand Only) to the Credit of Crime No.100 of 2019, before the execution of sureties, without prejudice to his defence. There after the said amount may disburse in favour of the defacto complainant.

(b) the sureties shall affix his photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(b) the petitioner shall report before the respondent police daily daily at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-
04/04/2019

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

TO

1.THE JUDICIAL MAGISTRATE,
NANGUNERI.

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2.THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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3.THE INSPECTOR OF POLICE
KALAKAD 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.J.JEYAKUMARAN Advocate SR.No.6131

ORDER
IN
CRL OP(MD) No.5123 of 2019
Date :04/04/2019

TK/MMS/SAR-2/04.04.2019/3P/7C

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