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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10604 of 2019

Prabu @ Vengai @ Kalidass

... Petitioner/Accused No.3

Vs

State Rep.by
The Sub Inspector of Police,
Tirunelveli City,
Crime Branch Police Station,
Tirunelveli District
Crime No.11 of 2019.

... Respondent/Complainant

For Petitioner : Mr.R.Venkatesan
for M/s.Right Law Associates
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

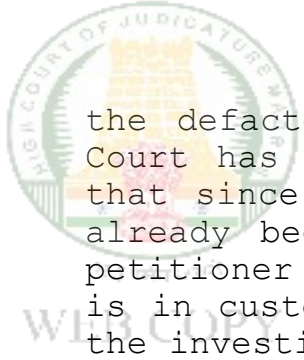
PRAYER :-

For Bail in Crime No. 11 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

1.This petition has been filed by the petitioner/Accused No.3, seeking bail for the alleged offences punishable under Sections 417, 418, 420, 465 and 468 I.P.C in Cr.No.11 of 2019 on the file of the respondent Police.

2.The learned counsel for the petitioner has submitted that the petitioner is A-3 and he has acted as a broker and he introduced the defacto complainant with A-1 and thereafter, the defacto complainant had business transaction directly with A-1. He further submitted that even as per the F.I.R, the defacto complainant has paid Rs.50 lakhs as commission to the accused No.1 for making arrangements of the loan of Rs.50 crores. He further submitted that A-1 has moved an anticipatory bail application before this Court in Crl.O.P.(MD).No.8905 of 2019, in which the learned counsel for the petitioner has submitted that A-1 has paid a sum of Rs.50 lakhs to



the defacto complainant and considering the said submission, this Court has granted anticipatory bail to A-1. He further submitted that since the amount which is due to the defacto complainant has already been paid by A-1, no amount is liable to be paid by the petitioner herein. He further submitted that the petitioner herein is in custody from 25.06.2019 and by this time, a major portion of the investigation might have been completed and therefore, he prayed to grant bail to the petitioner.

3.Per contra, the learned Additional Public Prosecutor has submitted that already, six previous cases of the similar nature are pending against the petitioner and if the petitioner is released on bail, he may tamper with the witnesses and hence, he strongly opposed this petition. However, he fairly conceded that A-1 has already paid a sum of Rs.50,00,000/- (Rupees fifty lakhs only) to the defacto complainant.

4.By way of reply, the learned counsel for the petitioner has submitted that in the previous cases, the petitioner is on bail and those cases are also false cases and he is contesting those cases.

5.Taking into consideration of the fact that the amount, which is due to the defacto complainant i.e Rs.50 lakhs was already paid by A-1 and he got anticipatory bail from this Court and also the fact that the petitioner is in judicial custody from 25.06.2019 and by this time, a major portion of the investigation might have been completed and also considering the submission made by the learned counsel for the petitioner that in the previous cases, the petitioner is on bail and he is also contesting the said cases, this Court is inclined to grant bail to the petitioner, by imposing conditions:-.

[a] 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 Judicial Magistrate No.I, Tirunelveli.

[b] the petitioner shall report before the respondent Police, daily at 10.00 a.m for a period of one month and thereafter, as and when required for the interrogation.

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

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

[e] 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].

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

sd/-

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 3. THE SUPERINTENDENT,CENTRAL PRISON,
PALAYAMKOTTAI.
 4. THE SUB INSPECTOR OF POLICE, TIRUNELVELI CITY,
CRIME BRANCH POLICE STATION, TIRUNELVELI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.RIGHT LAW ASSOCIATES Advocate SR.No.12388

ORDER

IN

CRL OP(MD) No.10604 of 2019

Date :26/07/2019

MS/PN/SAR-3/26.07.2019/3P.7C