



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11049 of 2019

Muniraj

... Petitioner/Sole Accused

Vs

State rep by
The Inspector of Police,
District Crime Branch,
Dindigul District.
Crime No.16/2019

... Respondent/Complainant

Vijayakumar

...Petitioner/Intervener/
De-facto complainant

For Petitioner : M/s.S.Mahendrapathy,
Advocate.
For Intervenor : Mr.S.Palanivelayudham
Advocate
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For bail in Cr.No.16/2019 on the file of the respondent police.

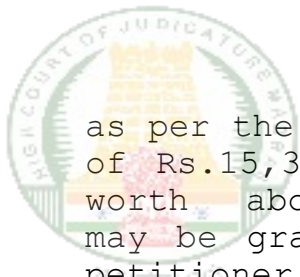
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence under Sections 420 and 468 of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that even as per the First Information Report, the petitioner's tipper lorry bearing Reg.No. TN70 AA 4138 is in custody of the defacto complainant and the value of the said vehicle is Rs.34,34,000/- and

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



as per the First Information Report, the petitioner has to pay a sum of Rs.15,39,500/- only and since already the petitioner's vehicle worth about Rs.34,34,000/- is with the defacto complainant, bail may be granted to the petitioner. He further submitted that the petitioner has purchased the aforesaid tipper lorry by creating hire purchase agreement with one Mahindra and Mahindra Finance and the petitioner undertakes to pay the dues to the said finance without any default until the petitioner repays the entire amount due to the defacto complainant and also undertakes that he will not take back the said vehicle until he pays the entire amount due to the defacto complainant. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 01.07.2019 and he is in custody for the past 44 days.

4. The learned counsel for the intervenor/defacto complainant would submit that if the petitioner gives an undertaking that he will not take back the aforesaid vehicle and also that he will repay the entire dues to the said finance until he pays the entire amount due to the defacto complainant, he has no objection to grant bail to the petitioner.

5. The learned Government Advocate(Crl.Side) would submit that since the investigation is still pending and hence he opposed to grant bail to the petitioner.

6. Taking into consideration of the fact that the petitioner is in custody for the past 44 days and also the submission made by the learned counsel for the petitioner that the petitioner undertakes to pay the entire amount due to the defacto complainant and until he pays the entire amount he will not take back the tipper lorry which is in the custody of the defacto complainant and also the undertaking that he will pay the amount due to the Mahindra and Mahindra Finance, 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.II, Dindigul.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 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/-
14/08/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT.
- 4.THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.MAHENDRAPATHY Advocate SR.No.13512

ORDER
IN
CRL OP(MD) No.11049 of 2019
Date :14/08/2019

aav
TK/VR/SAR.1/14.08.2019/3P/7C