



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11481 of 2019

Sivamohanraj

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Thoothukudi District,
Crime No.14/2019.

... Respondent/Complainant

For Petitioner : M/s.S.Mahendrapathy,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in Crime No. 14 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the Accused No.1, seeking bail for the alleged offences punishable under Section 420 I.P.C in Cr.No.14 of 2019, on the file of the respondent Police.

2.Learned counsel for the petitioner has submitted that even though the defacto complainant gave a complaint stating that the petitioner has received a sum of Rs.12 lakhs, but, now the matter has been compromised and the defacto complainant has agreed to receive Rs.6,50,000/- and the petitioner has taken two demand drafts, each for Rs.3 lakhs and he is ready to give the said demand drafts to the defacto complainant. He further submitted that the petitioner will pay a cash of Rs.50,000/- directly to the defacto complainant. He further submitted that since the defacto complainant has appeared today before this Court, he has handed over the aforesaid two demand drafts and also Rs.50,000/- by cash



directly to the defacto complainant. Hence, he prayed to grant bail to the petitioner.

3.The defacto complainant, who appeared in person, has submitted that even though he gave a complaint stating that the petitioner has received a sum of Rs.12 lakhs, after registering the F.I.R, the matter has been compromised and he agreed to receive Rs.6,50,000/- towards the full quit and accordingly, he has received two demand drafts, each for Rs.3 lakhs and also received Rs.50,000/- by cash from the learned counsel for the petitioner and hence, he said no objection for granting bail to the petitioner.

4.The learned Additional Public Prosecutor has submitted that today, the defacto complainant has received two demand drafts for Rs.3 lakhs and Rs.50,000/- by cash directly from the learned counsel for the petitioner. Hence, he has no objection for granting bail to the petitioner.

5.Taking into consideration of the aforesaid fact, this Court is inclined to grant bail to the petitioner by imposing certain 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 learned Judicial Magistrate No.III, Thoothukudi.

[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/-

20/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.

4. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No.13760

ORDER

IN

CRL OP(MD) No.11481 of 2019

Date :20/08/2019

MS/VR/SAR-1/20.08.2019/3P.7C