



WEB COPY

CRL OP(MD). No.12016 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.12016 of 2019

K.Karthik

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
Crime No.239 of 2019

... Respondent/Complainant

For Petitioner : M/s.B. Jameel Arasu,
Advocate.

For Respondent : Ms.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail In Crime No. 239 of 2019 on the file of the
Respondent Police.

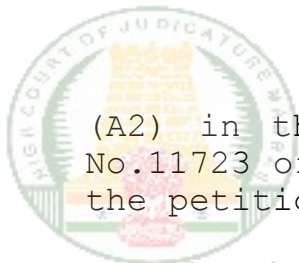
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.4
seeking bail for the alleged offence under Section 406,420,468 and
471 of IPC

2. Heard both sides

3. The learned counsel for the petitioner would submit that the
petitioner is innocent and he has been falsely implicated in the
above case. He further submitted that the petitioner herein was
arrested and remanded to judicial custody on 30.07.2019 and he is in
custody for the past 28 days. He further submitted that co-accused

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



(A2) in this case was granted bail by this Court in Crl.O.P(MD) No.11723 of 2019 on 22.08.2019. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant is the owner of the car bearing Reg.No.TN 74 P 5869 and he entrusted the car to the first accused as he is his relative. The first accused took the original RC book and created a forged hire purchase agreement and got money from the third accused. Again the first accused with the help of the fourth accused obtained a loan from Shri Thirumurgan Finance. On 02.04.2019 with the help of second accused, the fourth accused seized the vehicle. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that no previous case is pending against the petitioner and co-accused (A4) in this case was granted bail by this Court in Crl.O.P(MD) No.11723 of 2019 on 22.08.2019

5. The allegation against the petitioner is that he lent a loan to A1 based on the RC book produced by him which belongs to the defacto complainant's car and apart from the said allegation no other allegation has been made against him. Taking into consideration of the aforesaid fact and also the fact that the petitioner is in custody for the past 28 days and also the fact that no previous case is pending against the petitioner and also the fact that co-accused (A2) in this case was granted bail by this Court in Crl.O.P(MD) No.11723 of 2019 on 22.08.2019, 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, Eraniel, Kanyakumari District

[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].



CRL OP(MD). No.12016 of 2019

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

sd/-
28/08/2019

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

TO

1. THE JUDICIAL MAGISTRATE, ERANIEL,
KANYAKUMARI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI, THIRUNELVELI DISTRICT.
 4. THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION, KANYAKUMARI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.14198

ORDER
IN
CRL OP(MD) No.12016 of 2019
Date :28/08/2019

MS/VR/SAR-3/28.08.2019/3P.7C