



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

Date : 23/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.15828 of 2020

1.Suresh
2.Sathya

... Petitioners/Accused
No.1 and 2

Vs

1.The State rep.by
The Inspector of Police,
Tallakulam Crime Police Station,
Maduraci City.
Crime No.328/2020.

...1st Respondent/Complainant

2.Raja Hussain

... 2nd Respondent/Defacto Complainant

For Petitioners : M/s.Niranjana S.Kumar,
Advocate.

For R1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.328/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 11.12.2020 for the offences punishable under Section 420 IPC in crime No.328 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners herein jointly received a sum of Rs.10,00,000/- from the defacto complainant in the name of chit and thereby refused to return. Hence, the complaint.

3.The learned counsel for the petitioners would submit that A2 borrowed a sum of Rs.3,00,000/- on various dates, while borrowing



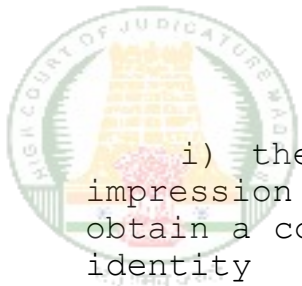
the said amount, the defacto complainant received 23 blank cheque signed by the petitioners and also obtained pronotes for security. In fact, the entire amount with accrued interest was repaid by the petitioners to the defacto complainant. Even thereafter, the defacto complainant insisted to pay more interest. As such the second petitioner lodged a complaint on 06.01.2020 before the respondent police under the Tamil Nadu Prohibition of Charging Exorbitant Act, 2003. On receipt of the said complaint, an enquiry was also conducted. Only to escape from the said clutches of law, the defacto complainant lodged a complaint as against the petitioners with false allegation. He would further submit that the petitioners were called for enquiry under Section 41(A) Cr.P.C., and thereafter remanded to judicial custody at about 09.00 p.m., before the learned Magistrate and till date they were in custody. He would further submit that the petitioners are innocent persons and they have been falsely implicated in this case and hence, he prayed for granting of bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners collected more money from the defacto complainant and also produced a Register showing that there is a chit company and they received monthly installments from the defacto complainant and hence, he vehemently opposed to grant bail to the petitioners.

5.It is seen that there are three accused and the petitioners herein are arrayed as A1 and A2. According to the defacto complainant, the petitioners were running a chit company and cheated the defacto complainant to the tune of Rs.10,00,000/-. According to the petitioners, the second petitioner borrowed a sum of Rs.3,00,000/- on various dates, while borrowing the said amount, the defacto complainant received 23 blank cheque signed by the petitioners and also obtained pronotes for security. In fact, the entire amount with accrued interest was repaid by the petitioners to the defacto complainant. Even thereafter, the defacto complainant insisted to pay more interest. As such the second petitioner lodged a complaint on 06.01.2020 before the respondent police under the Tamil Nadu Prohibition of Charging Exorbitant Act, 2003. On receipt of the said complaint, an enquiry was also conducted. Only to escape from the said clutches of law, the defacto complainant lodged a complaint as against the petitioners with false allegation.

6.Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)each with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Madurai.



i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required and the second petitioner shall report before the respondent police as and when required.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/12/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

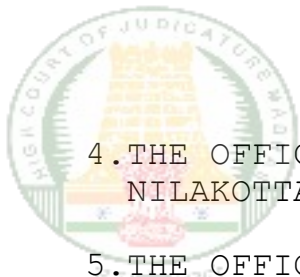
TO

1. THE JUDICIAL MAGISTRATE NO II, MADURAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
TALLAKULAM CRIME POLICE STATION,
MADURAI CITY.

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



4.THE OFFICER INCHARGE,
NILAKOTTAI SUB-JAIL, DINDIGUL.

5.THE OFFICER INCHARGE,
THIRUMANGALAM SUB JAIL, MADURAI.

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

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-8544[I] dated 23/12/2020

ORDER

IN

CRL OP(MD) No.15828 of 2020

Date :23/12/2020

GNS

TK/PN/SAR.3/23.12.2020/4P/8C