



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11613 of 2021

1.Vanitha
2.Perumal

... Petitioners/A1 and A2

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch, Sivagangai.
Crime No.8 of 2021.

... Respondent/Complainant

For Petitioners : Mr.P.M.Vishnuvarthanan, Advocate.
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.08/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested on 23.07.2021 for the offences under Sections 406, 424, 420, 120(b), 294(b) and 506(i) I.P.C, in Cr.No.8 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours. The petitioners have moved closely with the defacto complainant, taken her gold jewels to an extent of 110 sovereigns, pledged in various banks, obtained a sum of Rs.40/- lakhs and cheated the defacto complainant.

3.The learned counsel for the petitioners would submit that this complaint was lodged in the year 2020 and the respondent police started to harass the petitioners and therefore, the petitioners have approached this Court for a direction not to harass the petitioners in Crl.O.P(MD).No.10984 of 2020 and the same was ordered on 08.10.2020. Even thereafter, the case has not been registered and now the F.I.R has been registered based on the direction application filed by the defacto complainant under Section 156(3) Cr.P.C. He

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have not committed any offence as alleged by the prosecution and they are in jail from 23.07.2021, hence, they may be granted bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police strongly opposed the grant of bail to the petitioners on the ground that these petitioners have convinced their neighbour, have taken 110 sovereigns of gold jewels and have not returned the same to the defacto complainant. He would further submit that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, the fact that the second petitioner is working in a Government organisation and the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivagangai and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity.

[b] the petitioners shall appear before the respondent police daily at 10.30 am., and 5.30 p.m until further orders.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 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]**.

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

sd/-
17/08/2021

/ TRUE COPY /

/ /2021
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,
SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SIVAGANGAI.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11613 of 2021
Date :17/08/2021

MSA
MK/PN/SAR.I/17.08.2021/3P/6C