



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.09.2021

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PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12773 of 2021

1.Rajapandian

2.Manikandan

... Petitioners/Accused No.1 & 2

Vs

State rep. by,

The Inspector of Police,

Sattur Town Police Station,

Virudhunagar District.

(Crime.No.325 of 2021). ... Respondent/Complainant

For Petitioners : Mr.A.K.Azagarsami, Advocate

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.325 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & 2 herein, who were arrested on 11.08.2021 for the alleged offence under Sections 406 & 420 of I.P.C, in Crime No.325 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is running a shop at Sattur. These petitioners/A1 and A2 along with two accused persons approached him saying that they will arrange loan amount of Rs.25 lakhs to the defacto complainant to develop his business. For getting him loan, the defacto complainant has to give a sum of Rs.5 lakhs as commission to them. Believing their words, the defacto complainant has given a sum of Rs.25,000/- to them for getting loan. However, after receiving the above said amount, they



did not get him the loan and thereby the accused persons have committed criminal breach of trust and cheated the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons. They have not involved in any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submits that petitioner No.1 is affected with kidney ailments and taking treatment in Jail hospital. He also submits that first petitioner's mother has undergone heart surgery. Hence, the first petitioner's presence is highly necessary to safeguard his mother.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegations against the petitioners and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sattur and on further condition 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 report before the respondent Police daily at 10.30 am. until further orders.

[c] the petitioners shall file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any such offence in future.

[d] the petitioners shall not abscond either during investigation or trial.

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

[g] 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



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

sd/-
16/09/2021

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

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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, Stattur
2. Do Through The Chief Judicial Magistrate,
Virudhunagar District at srivilliputur.
3. The Superintendent, District Jail, Virudhunagar.
4. The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.12773 of 2021
Date : 16.09.2021

TR/JGB/SAR-IV(16.09.2021) 3P 6C