



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/09/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13100 of 2021

1.M.Dhalavaimadan
2.M.Kandhasamy

... Petitioners/Accused Nos.4 and 5

Vs

The State rep.by,
The Sub Inspector of Police,
Amathur Police Station,
Virudhunagar District.
Crime No.111/2021.

... Respondent/Complainant

For Petitioner : M/S.M.ANBARASI,
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.111 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A5 and A6, who were arrested on 24.07.2021, for the offence punishable under Sections 341, 342, 363, 506(ii), 406, 420 and 397 IPC, in Crime No.111 of 2021, seek bail.

2. The defacto complainant has lodged a complaint stating that he is running a Firm in the name and style of "Koin Bazar Technologies Pvt. Ltd." at Maudrai and using Krypto currency, he was doing online business on commission basis. On 13.07.2021, at about 10.15 a.m., when he was proceeding in his car on Sivakasi-Virudhunagar road, he was intercepted by a car, from which, four unknown persons and one identified person got down. When he got down from the car, he was abducted by the accused persons in their car and he was taken to a Cottage at Courtrallam and illegally detained there. The accused persons demanded him to transfer 30 bit coins into their accounts through online transaction and they obtained 14 thousand of cash coin, worth about Rs.13,00,00/-, a bracelet, chain and ring from him. They also obtained signature in 8 white papers and withdrew a sum of Rs.67,000/- from his account by <https://hseervices.com>. Hence, the complaint.



3. The learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, they are languishing in jail from 24.07.2021. Hence, he prayed for grant of bail. He further submits that the complaint has been lodged after four days from the date of occurrence. Hence, there was a delay in filing the complaint.

4. The learned Government Advocate (Crl. Side) opposed for grant of bail on the ground that the investigation is yet to be completed. He further submits that the first petitioner is having three previous cases.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners, the period of incarceration and the fact that the complaint has been lodged after four days from the date of occurrence, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the Criminal Original Petition is ordered. The petitioners are directed 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, Virudhunagar 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] since the first petitioner is having three previous cases, the first petitioner shall appear before the respondent Police daily twice, i.e., morning at 10.30 a.m. and evening at 5.30 p.m. for a period of thirty days and thereafter, appear before the respondent Police daily at 10.30 a.m. until further orders.

[c] the 2nd petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

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

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

[f] 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]**.

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

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/ /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,
VIRUDHUNAGAR.
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 4 THE SUB INSPECTOR OF POLICE
AMATHUR POLICE STATION, VIRUDHUNAGAR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.D.SELVANAYAGAM, Advocate (SR-6096[I] dated 08/09/2021)

ORDER
IN
CRL OP(MD) No.13100 of 2021
Date :08/09/2021

OGY
MK/VR/SAR.III/08.09.2021/3P/7C