



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/10/2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14400 of 2021

A.Anbu ... Petitioner

Vs

The State rep.by,
The Inspector of Police 1023,
Thottiyam Police Station
Trichy District
In Crime No.237 of 2021. ... Respondent

For Petitioner : Mr.G.V.Vairam Santhosh
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.237 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 23.08.2021, for the offence punishable under Section 420 I.P.C., in Crime No.237 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner visited the house of the defacto complainant and collected a gold chain weighing 2 ½ sovereigns under the pretext of doing some poojas and thereafter, she left the place with jewels. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not indulged in any kind of offence as alleged by the prosecution. Some unknown persons cheated the defacto complainant and for that, the respondent police arrested the petitioner. Even the petitioner's name was not found in the FIR. The respondent police had already recovered the amount and jewels from the cheated woman. He would further submit that the petitioner has filed the undertaking affidavit of one Dharmalingam, S/o.Chelladurai, who is the Vice President of Arangoor Panchayat Trichy District, in which, he has stated that he



knows the petitioner very well and gave an assurance that the petitioner will not involve in any other offence in future and if the petitioner involves any further offence, he will be responsible for the same and he will abide by to any condition imposed by this Court.

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4.The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail to the petitioner on the ground that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the undertaking affidavit filed by one Dharmalingam, the Vice President of Arangoor Panchayat, Thottiyam Taluk, Trichy District and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Musiry, Tiruchirappalli District on further conditions that:

[a] the persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments;

[b]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;

[c] The petitioner shall not misuse the liberty granted to the petitioner by this Court and if the petitioner involves in any further offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[d] the petitioner shall report before respondent police daily at 10.30 a.m until further orders;

[e] the petitioner shall not abscond during the trial;

[f] the petitioner shall not tamper with the evidence or witness during trial;

[g] 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



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

sd/-
22/10/2021

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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,
MUSIRI, TRICHY DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE 1023
THOTTIYAM POLICE STATION, TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14400 of 2021
Date :22/10/2021

MSA
MK/SKN/SAR.III/22.10.2021/3P/6C