



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.16650 of 2021

WEB COPY

Muthuselvam @ Raja

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Kalakad Police Station,
Kalakad,
Tirunelveli District
(Crime No. 390 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Sundarapandian S,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER:-

For Bail in Crime No. 390 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who was arrested on 29.09.2021 for the offence under Sections 406, 418, 420, 294(b) and 506(ii) of IPC, in Crime No. 390 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant has purchased a JCB from the third accused for sale consideration of Rs.6,76,000/- and paid Rs.4,30,000/- to the third accused. However, since the remaining amount has not been paid by the defacto complainant, all the accused persons have colluded and taken away the JCB. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the vehicle has been taken away by the third accused, the petitioner has acted as Mediator between the defacto complainant and the third accused, who is the owner of the vehicle and he has nothing to do with the alleged occurrence. He further submits that the petitioner is languishing in jail from 29.09.2021, therefore, he seeks for



grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation is yet to be completed and the defacto complainant lost his vehicle and a sum of Rs.4,30,000/-.

5.Considering the facts and circumstances of the case, the nature of allegations against the petitioner, that the vehicle has been taken away by the third accused and the period of incarceration, this Court is inclined to grant bail to the petitioner.

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.25,000/-(Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nanguneri, Tirunelveli District, and on further conditions that:

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

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m and 05.30 p.m., till the vehicle is recovered.

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

[d] the petitioner 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 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 Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-

28/10/2021

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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,
Nanaguneri, Tirunelveli District.
- 2.-DO- through The Chief Judicial Magistrate,
Tirunelveli District.
- 3.The Superintendent, Central Prison, Palayamkottai.
- 4.The Inspector of Police,
Kalakad Police Station, Kalakad,
Tirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

**ORDER
IN**

CRL OP(MD) No.16650 of 2021
Date : 28/10/2021

SA/JM/SAR 3(28.10.2021) 3P 6C