



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11501 of 2022

SENTHAMARAI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
SIRKAZHI POLICE STATION,
MAYILADUTHURAI DISTRICT.
(CRIME NO.173 OF 2022)

[RESPONDENT]

For Petitioner : M/S.SWAMI SUBRAMANIAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

For Defacto Complainant: MR.T.PADMANATHAN Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 14.04.2022 for the alleged offence under Sections 294(b), 406, 420 and 506 (i) of I.P.C in Crime No.173 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had borrowed a sum of Rs.27,50,000/- from the defacto complainant and had also executed promissory notes and deposited the sale deed as a security. When the defacto complainant called upon the petitioner to repay back the amount, the petitioner is said to have threatened and abused the defacto complainant in filthy language.

3. The learned counsel for the petitioner submitted that even if the prosecution case taken as it is, it is a pure civil dispute, which was given a Criminal colour and the petitioner has been arrested in this case and she has already suffered incarceration for nearly 34 days.



4. The learned Government Advocate (Criminal Side) appearing on behalf of the respondent police submitted that investigation is pending and the petitioner has not repaid back any amount.

5. Learned counsel appearing on behalf of the intervener vehemently opposed the grant of bail to the petitioner on the ground that the petitioner has cheated a poor widow, who was the defacto complainant and not a single pie has been repaid back inspite of taking a loan of a sum of Rs.27,50,000/-. The learned counsel submitted that the petitioner has cheated the defacto complainant and hence the petitioner must be directed to atleast deposit the amount, if at all this Court is considering grant of bail to the petitioner.

6. This Court has carefully considered the submission made on either side and the materials available on record.

7. Taking into consideration, the facts and circumstances of the case and also of the fact that there was a money transaction between the petitioner and the defacto complainant and the same has been sufficiently secured by execution of promissory notes and the sale deed being given as security and also of the fact that the petitioner had already suffered incarceration for nearly 34 days, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Sirkazhi, Mayiladuthurai District 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 petitioner shall report before the respondent police as and when required.

[c] the petitioner shall not tamper with 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 229A IPC.

WEB COPY

-sd/-

18/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SIRKAZHI, MAYILADUTHURAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SIRKAZHI POLICE STATION,
MAYILADUTHURAI DISTRICT.

4 THE SUPERINTENDENT,
DISTRICT PRISON FOR WOMEN,
NAGAPATTINAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary charges SR.NO.7259

CRL OP.11501/2022

Date :18/05/2022

CSK 18/05/2022