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Crl.O.P.No.17416 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.17416 of 2022

Chiristhuraj

...Petitioner/A1

Vs.

State rep. by
The Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District.
Crime No.149 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with the Crime
No.149 of 2022 pending investigation on the file of the respondent.

For Petitioner : Mr.T.Meganathan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.07.2022 for the offences punishable under Sections **294(b), 506(ii) of IPC read with Section 4 of the Prohibition of Charging Exorbitant Interest Act 2003** subsequently altered to Sections **294(b), 506(ii) and 420 of IPC read with Section 4 of the Prohibition of Charging Exorbitant Interest Act 2003** in Crime No. 149 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the defacto complainant borrowed a sum of Rs.62,00,000/- from the petitioner's father. Thereafter, the defacto complainant paid a sum of Rs.25,25,429/- to the petitioner. However, on 06.06.2022, accused persons entered the defacto complainant's house and demanded a sum of Rs.62,50,000/-. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. That apart, the petitioner has been suffering incarceration from 04.07.2022. Therefore, he prays to grant bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that defacto complainant borrowed a sum of Rs.62,00,000/- from the petitioner's father. For which, the defacto complainant had repaid a sum of Rs.25,00,000/-. For the balance of Rs.37,00,000/- the defacto complainant has executed sale deed in favour of A3 and also sold his land to A3. Hence, he vehemently opposed grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from the date of arrest ie., from 04.07.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, No.I, Ulundhurpet, kallakurichi District** and on further conditions that:



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[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 daily at 10.30.a.m., for a period of four weeks and thereafter as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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.

25.07.2022

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To

1. Judicial Magistrate, No.I, Ulundhurpet,
kallakurichi District.
2. Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District
3. Ulundurpet Sub Jail,
Kallakurichi District.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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