



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). Nos.6010 & 6518 of 2022

Mohammed Rafi ...Petitioner/Accused No.4
(in CrI.O.P.(MD) No.6010 of 2022)

Kaliraj ...Petitioner/Accused No.3
(in CrI.O.P.(MD) No.6518 of 2022)

Vs

The State represented by
The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
(Crime No.406 of 2021). ... Respondent/Complainant
(in all Petitions)

For Petitioner : Mr.V.Malaiyendran, Advocate
(in CrI.O.P.(MD) No.6010 of 2022)

For Petitioner : Mr.M.Mano Kumar, Advocate
(in CrI.O.P.(MD) No.6518 of 2022)

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.
(in all Petitions)

PETITIONS FOR BAIL Under Section 439 of Cr.P.C.

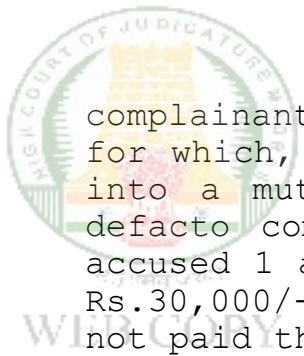
COMMON PRAYER :-

For Bail in Crime No.406 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 11.03.2022 for the offences punishable under Sections 294 (b), 420 and 506(2) IPC, in Crime No.406 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant had bought a car by availing loan from the finance company on monthly installments and as per the loan agreement, he had to pay a sum of Rs.15,000/- per month, due to financial crisis, the defacto



complainant was not able to pay the installment amount every month, for which, on the instigation of the second accused, he had entered into a mutual agreement with the first accused stating that the defacto complainant sold the vehicle to the first accused if the accused 1 and 2 would pay the EMI regularly and paid advance amount Rs.30,000/- to the defacto complainant. But the first accused has not paid the monthly installment as agreed by him and on 15.08.2020, the accused took the vehicle from the defacto complainant and when the same was questioned by the defacto complainant, the petitioners and other accused abused him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecution would submit that property has not been recovered.

5.Considering the nature of the charges levelled against the petitioners and also the facts that property is not yet recovered, that the petitioner is in judicial custody from 11.03.2022 and that except the second accused all other accused were secured, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are directed to deposit a sum of **Rs.35,000/- (Rupees Thirty Five Thousand only)** each to the credit of Crime No.406 of 2021 on the file of the respondent police, without prejudice to their rights and contentions.

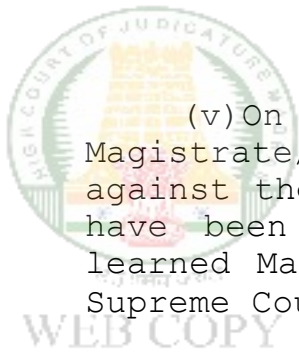
7.On such deposit, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Thoothukudi.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation;

(iii)the petitioners shall not tamper with evidence or witness;

(iv)the petitioners shall not abscond during trial;



(v) 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]**.

(vi) If the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

13/04/2022

/ TRUE COPY /

13/04/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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.III
THOOTHUKUDI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PUDUKKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT PRISON,
PERURANI,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

ORDER

IN

CRL OP(MD) No.6010 &
6518 of 2022

Date :13/04/2022