



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25/04/2022

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7656 of 2022

U.Balamurugan

... Petitioner/Accused No.6

Vs

The State Rep. By,
The Inspector of Police,
Puthukottai Police Station,
Thoothukudi District.
(In Crime No.406/2021).

... Respondent/Complainant

For Petitioner : M/s.Maharaja M,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/A6, who was 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, seeks bail.

2.The case of the prosecution is that the de-facto 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.15,961/- 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 de-facto 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 de-facto complainant and when



the same was questioned by the de-facto complainant, the petitioner and other accused abused him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the co-accused were already granted bail by this Court in Crl.O.P.(MD) Nos.6010 and 6518 of 2022, dated 13.04.2022.

4.The learned Additional Public Prosecution would submit that property has not been recovered and that except the second accused all other accused were secured.

5.Considering the nature of the charges levelled against the petitioner and also the facts that the property is not yet recovered, that the petitioner is in judicial custody from 11.03.2022 and that the co-accused were already arrested and released on bail by this Court, this Court is inclined to grant bail to the petitioner with certain conditions.

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

7.On such deposit, 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 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 petitioner 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 petitioner shall not tamper with evidence or witness;

(iv)the petitioner 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 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]***.



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

sd/-
25/04/2022

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/ TRUE COPY /

/ /2022

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 NO.III,
THOOTHUKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, PERURANI,
THOOTHUKUDI DISTRICT.
4. THE INSPECTOR OF POLICE,
PUTHUKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7656 of 2022
Date :25/04/2022

SJI
USK/VR/SAR-I/27.04.2022/3P/6C