



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

Date : 05/05/2022

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL OP(MD) . No.8571 of 2022

Mohammed Faruk

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
District Crime Branch(DCB),
Thanjavur District.
Crime No.8 of 2022.

... Respondent/Complainant

For Petitioner : Mr.V.Kathirvel, Senior Counsel
for Mr.Prabhu K,
Advocate.

For Respondent : M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.8 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 13.04.2022 for the offences punishable under Sections 420 of IPC in Crime No.8 of 2022, on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

3.The dispute between the defacto complainant and the petitioner seems to be one of redemption of mortgage and claims for the principal amount. The issue as to whether there was an intention to cheat from the inception, is one of main ingredients of the offence under Section 420 of IPC. The complaint does not seem to make out the offence.



4. On this *prima facie* view and taking into account that the petitioner is in judicial custody from 13.04.2022 onwards, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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.I, Thanjavur.

(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 cards or Bank Pass Books to ensure their identity;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one (1) 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]***.

sd/-
05/05/2022

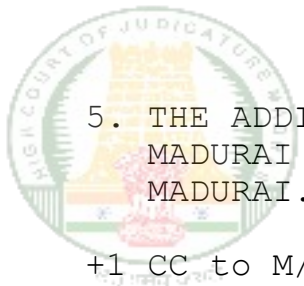
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05/05/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.
4. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB),
THANJAVUR DISTRICT.



5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-4306[I] dated 05/05/2022)

+1 CC to M/s.K.PRABHU, Advocate (SR-4333[I] dated 05/05/2022)

ORDER

IN

CRL OP(MD) No.8571 of 2022

Date :05/05/2022

MYR/SM

MS/JM/SAR-3/05.05.2022/3P.8C