



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/05/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.8975 of 2022

Seenivasan

... Petitioner/Sole Accused

Vs

The State represented by its
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
(Crime No.94 of 2022).

... Respondent/Complainant

For Petitioner : Mr.J.JEYAKUMARAN,
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor.

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

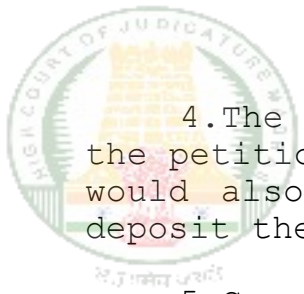
PRAYER :- For Bail in Crime No.94 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 11.04.2022 for the offences punishable under Sections 294(b), 420 and 506(ii) IPC, in Crime No.94 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has sold the fake gem stone to the defacto complainant and received Rs.3,00,000/- from him and when the same was questioned by the defacto complainant, the petitioner abused him in filthy language and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instruction, he would further submit that the petitioner is ready to deposit a sum of Rs.2,00,000/- to the credit of Crime No.94 of 2022 within a period of two weeks and thereafter the same shall be disbursed to the defacto complainant.



4.The learned Additional Public Prosecutor would submit that the petitioner has sold fake gem stone to the defacto complainant.He would also submit that since the petitioner has come forward to deposit the said amount, this Court may pass appropriate orders.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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.II, Srivaikundam.

(a)the petitioner is directed to deposit Rs.2,00,000/- to the credit in Crime No. 94 of 2022 before the learned Judicial Magistrate No.II, Srivaikundam with in a period of two weeks from the date of receipt of a copy of this order and on such deposit the learned Magistrate shall disburse the said amount to the defacto complainant without filing any formal application and after getting an undertaking from the defacto complainant that he will return the said amount to the petitioner subject to the outcome of the trial.

(b)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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/05/2022

/ TRUE COPY /

11/05/2022

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.II
SRIVAKUNDAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE OFFICER INCHARGE
SUB JAIL, SRIVAIKUNDAM.
- 4 THE INSPECTOR OF POLICE,
ERAL POLICE STATION,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. JEYAKUMARAN.J Advocate SR.No.4563

ORDER

IN

CRL OP(MD) No.8975 of 2022

Date :11/05/2022

SA/PN/SAR.4/11.05.2022/3P/7C