



WEB COPY

CRL OP(MD). N



22

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

Reserved on : 12/09/2022

Delivered on: 14/09/2022

PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CRL OP(MD). No.13757 of 2022

Raja

... Petitioner/Accused No.1

Vs

State Rep.by  
The Inspector of Police,  
District Crime Branch,  
Dindigul.  
Crime.No.4 of 2022.

... Respondent/Complainant

For Petitioner : Mr.V.Muthukamatchi, Advocate

For Intervener : Mr.S.Sarvagan Prabhu, 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. 4 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 08.07.2022 for the alleged offence under Sections 420, 406, 506(ii) I.P.C, in Crime No.4 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner/A1 and the defacto complainant's husband are friends. The accused persons insisted him to invest in their business as partners. Believing their words, he invested Rs.54,00,000/-. Thereafter, the accused persons neither repay the amount nor give any profits. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner/A1 is arrayed as A1 and he has already got interim bail from



this Court on 29.07.2022 and it was extended till 12.09.2022. The petitioner is innocent and not committed any offence, as alleged by the prosecution. In this regard, a civil suit also pending between the parties. Hence, prays to release the petitioner on bail.

4. On the side of intervener, it is stated that accused persons cheated a sum of Rs.54 lakhs from the defacto complainant. Hence, prays to dismiss the petition.

5. On the side of prosecution, it is stated that the accused persons received amount from the defacto complainant's husband by way of cash and through bank. Due to money dispute, this case has been lodged against the accused persons. Hence, prayed to dismiss the petition.

6. Considering the nature of the offence and considering the fact that the accused was already enlarged on interim bail and also considering the pendency of civil suit between the parties, this Court is inclined to grant bail to the petitioner.

7. Since the petitioner already executed sureties at the time of granting of interim bail, the same sureties shall stand good and the petitioner is now ordered to be released on bail, with the following conditions:

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

ii) the petitioner shall not tamper with evidence or witness;

iii) the petitioner shall appear before the concerned Court on all hearing dates and appear before the respondent Police, as and when required;

iv) 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];

v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

sd/-  
14/09/2022

/ TRUE COPY /

16/09/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.2  
DINDIGUL.

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2 DO THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL DISTRICT.

3 THE INSEPCTOR OF POLICE  
DISTRICT CRIME BRANCH,  
DINDIGUL.

4 THE SUPERINTENDENT  
CENTRAL PRISON , MADURAI.

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

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate ( SR-9984[I] dated 14/09/2022

ORDER

IN

CRL OP(MD) No.13757 of 2022

Date :14/09/2022

pnm

PKP/SVR/SAR-2/16.09.2022/3P/7C