



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.15590 of 2022

Surendhar ... Petitioner/Accused (Sole)

Vs

State Rep.by
The Inspector of Police,
Thuraiyur Police Station,
Trichy District.
(Crime No.230 of 2022) ... Respondent/Complainant

For Petitioner : M/s.Senthil Murugan.C,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor
For Intervenor : Mr.R.Alagumani, Advocate

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

PRAYER :-

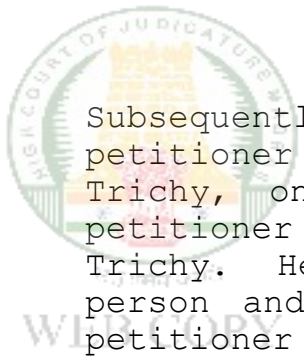
For Bail in Crime No.230 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 417 and 420 I.P.C, in Crime No.230 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant fell in love with one Panneer Selvam and he has cheated her, for which, she lodged a complaint before the All Women Police Station, Musiri. On assurance to take action against the complaint, the petitioner has received a sum of Rs.7,00,000/- and cheated her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that in this case, the petitioner was already arrested and remanded to judicial custody on 28.07.2022. Thereafter, interim bail was granted by this Court on 02.09.2022 for a period of one month.



Subsequently, it was not extended. Hence, this Court directed the petitioner to surrender before the Superintendent, Central Prison, Trichy, on 01.11.2022. As per the order of this Court, the petitioner surrendered before the Superintendent, Central Prison, Trichy. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case and the petitioner was in judicial custody for more than 33 days. Hence, he may be granted bail.

4. The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail to the petitioner stating the petitioner cheated the defacto complainant to the tune of Rs.7,00,000/-. He would further submit that in this case, till now, six official witnesses have been examined and the major part of the investigation is over.

5. Considering the facts and circumstances and considering the period of incarceration and also the fact that major part of the investigation is over, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail.

(i) the petitioner shall report before the respondent police as and when required.

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

(iii) the petitioner shall not abscond during trial.

(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].

sd/-

02/11/2022

/ TRUE COPY /

03/11/2022

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

To

1 THE JUDICIAL MAGISTRATE, THURAIYUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, THURAIYUR POLICE STATION,
TRICHY DISTRICT.



4 THE SUPERINDENT OF CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-12278[I] dated
02/11/2022)

ORDER

IN

CRL OP(MD) No.15590 of 2022

Date :02/11/2022

CP

RS/VR/SAR.(03.11.2022) 3P-7C