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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/10/2022
PRESENT

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

CRL OP(MD) . No.18876 of 2022

Sridhar

... Petitioner/Accused No.2

Vs

The State rep.by
The Sub Inspector of Police,
Thenkarai,
Theni District.
(Crime No.355 of 2022)

... Respondent/Complainant

Narayanan

... Petitioner/Intervener/
Defacto Complainant
In Crl.MP(MD).12870/2022 in
Crl.OP(MD).18876/2022

For Petitioner : M/s.Veerachamy M,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor
For Intervenor : Mr.R.Gandhi, Advocate

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

PRAYER :- For Bail in Crime No.355 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 05.09.2022 for the offences punishable under Sections 381, 120(b) and 420 of IPC in Crime No.355 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant gave a sum of Rs.50 lakhs to the petitioner for handing over the same to one Baskaran for the purpose of carrying out the construction work and with regard to his business. After receiving the said amount, the petitioner and other accused persons cheated the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the co-



accused was already released on bail by this Court. The petitioner is in judicial custody from 05.09.2022 and he shall abide any condition imposed by this Court. Hence, he may be released on bail.

4. The learned Additional Public Prosecutor appearing for the respondent police strongly opposed for grant of bail to the petitioner on the ground that the amount was stolen by the accused was a sum of Rs.50 lakhs, out of which, only a sum of Rs.35,36,500/- alone was recovered and the remaining amount was not yet recovered. He would further submit that third accused was already released on bail by this Court and totally eight witnesses have been examined so far and investigation is still pending.

5. The learned counsel appearing for the intervenor vehemently opposed for grant of bail to the petitioner.

6. Considering the facts and circumstances of the case and considering the period of incarceration and also the fact that the co-accused was already released on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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

(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., until further orders;

(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/-

28/10/2022

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28/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, PERIYAKULAM.

4 THE SUB INSPECTOR OF POLICE,
THENKARAI,
THENI DISTRICT.

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

+1. CC to M/S.VEERACHAMY M Advocate SR.No.12026

ORDER

IN

CRL OP(MD) No.18876 of 2022

Date :28/10/2022

CP

SA/SBN/SAR. /28.10.2022/3P/7C