



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

Date : 20/10/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.18878 of 2022

1. R.Elango @ Sundaramoorthy
2. R.Sathish @ Boopathi

... Petitioners/Accused No.1 & 2

Vs

The State Rep. By,
The Inspector of Police,
District Crime Branch,
Karur District.
Crime No.22 of 2019.

... Respondent/Complainant

For Petitioners : M/s.Jegadeesh Pandian M,
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.22/2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 21.09.2022 for the offences punishable under Sections 406 and 420 of IPC, in Crime No.22 of 2019, on the file of the respondent police, seek bail.

2.The case of the prosecution is that one Ilango @ Sundaramoorthi and Sathish @ Boopathiraja were running a used car sales business in the name and style of Royal Cars at Karur for the past five years. The defacto complainant had handed over his car bearing Registration No.TN-48-AZ-6106 (Swift Silver Colour) worth about Rs.5,25,000/- along with RC Book on 22.09.2019 to the petitioners for sale, but they did not sell the car. In this regard, when the defacto complainant went to the place of the petitioners, he found that the car sales shed was vacated and thereafter, he came to know that petitioners have cheated several persons in the similar manner. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioner were running a used car sales business in Karur District. After the wake of sudden crunch in the automobile industry, the petitioners sustained huge loss in the business and the money lend by the petitioners were not returned by the business customers, due to that, the petitioners were unable to run the business. He would further submit that the vehicles in question were handed over to the respective parties. The petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and the petitioner is in judicial custody from 21.09.2022 and hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the petitioners cheated not only the defacto complainant, but also another five car owners and the vehicles were recovered from the purchasers and no previous case is pending against the petitioner. He would further submit that the investigation is still pending. Hence, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the properties have been recovered and the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Karur.

(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 petitioners shall report before the concerned trial Court on all working days daily at 10.30 a.m., until further orders;

(iii)the petitioners shall not tamper with evidence or witness;

iv)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

20/10/2022

/ TRUE COPY /

/10/2022

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



TO

1. THE JUDICIAL MAGISTRATE NO.I,
KARUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE OFFICER-INCHARGE,
SUB JAIL, KARUR.
4. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.18878 of 2022

Date :20/10/2022

cp

USK/SSS/SAR- /20.10.2022/3P/6C