



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

Date : 07/11/2022

PRESENT

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

CRL OP(MD). No.19661 of 2022

Rasu,

... Petitioner/Accused

Vs

The State Rep. by
The Sub Inspector of Police,
Chockampatti Police Station,
Tenkasi District.
(Crime No.235 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Thalaimutharasu G,
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.235 of 2022 on the file of the Respondent Police.

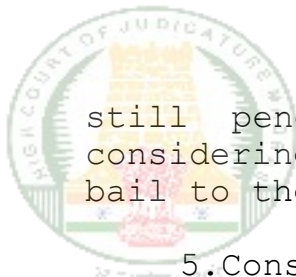
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 30.09.2022 for the offences punishable under Sections 406 and 420 IPC, in crime No.235 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with one Thavamani had pledged fake jewels in the Tamil Nadu Mercantile Bank and obtained loan of Rs.1,53,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that this is the second bail application. Earlier application filed by the petitioner in Crl.OP(MD)No.18634 of 2022 was dismissed by this Court, on 19.10.2022, on the ground that the investigation was in initial stage. By this time, most portion of the investigation might have been completed and the petitioner is in judicial custody from 30.09.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that earlier bail application filed by the petitioner was dismissed by this Court, on 19.10.2022 on the ground that the investigation is



still pending. Now, 4 witnesses have been examined. Considering the gravity of the offence, he strongly opposed to grant bail to the petitioner.

5. Considering the period of incarceration and also considering the fact that 4 witnesses have been examined, 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, Tenkasi.

(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 is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.235 of 2022**, without prejudice to his rights and contentions before the trial Court;

(iii) the petitioner shall report before the **Serndamaram Police Station, Tenkasi District**, daily at 10.30 a.m, until further orders;

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

v) the petitioner shall not abscond during trial.

vi) 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/-

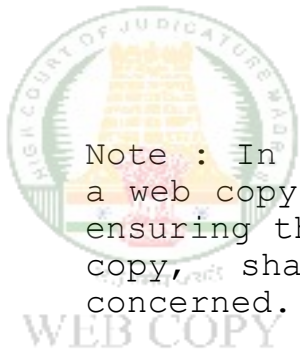
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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,
Tenkasi.
2. Do-Through The Chief Judicial Magistrate,
Tenkasi District.
3. The Superintendent,
Central Prison, Palayamkottai.
4. The Sub Inspector of Police,
Chockampatti Police Station, Tenkasi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Sub Inspector of Police,
Sendamadam Police Station,
Tenkasi District.

+1CC to Mr.G.Thalaimutharasu, Advocate, SR.No.12540 dated 07/11/2022

CRL OP(MD) No.19661 of 2022
Date :07/11/2022

KB/VR(07.11.2022) 3P 8C