



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/11/2022

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PRESENT

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

CRL OP(MD). No.19673 of 2022

Kathiresan, ... Petitioner/Sole Accused

State Rep. by Vs

The Inspector of Police,
Town North Police Station,
Dindigul.

(Crime No.484 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Parekhkumar.J,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

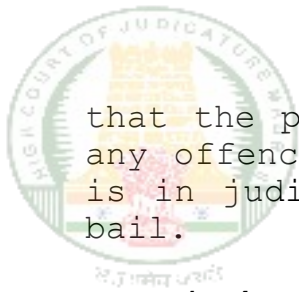
For Bail in Crime No.484 of 2022 on the file of the the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 24.09.2022 for the offences punishable under Sections 379, 417 and 420 of IPC in Crime No.484 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 16.08.2022, the defacto complainant was withdrawn a sum of Rs.10,000/- by using his ATM card at Dindigul Chatram Street, Indian Bank ATM, at that time, a person, who stand behind him unexpectedly picked the ATM card and suddenly, gave another ATM card to him. Thereafter, in few minutes, he received four SMS showing that Rs.10,000/- each withdrawn four times from his bank account by using his ATM Card. After that only, he came to know that he has been cheated. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is doing Textiles business and the respondent police put up the present case against the petitioner. He would further submit



that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, the petitioner is in judicial custody from 24.09.2022. 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 that the petitioner is having two previous cases of similar in nature and the investigation in this case is not yet completed. He would further submit that the stolen amount of Rs.30,000/- has been recovered.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also the fact that the stolen amount has been recovered, this Court is inclined to grant bail to the petitioner on certain conditions.

6.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 No.II, Dindigul.

(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 concerned Court 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/-

08/11/2022

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09/11/2022

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



cp

To

1.The Judicial Magistrate No.II,
Dindigul.

2.The Chief Judicial Magistrate, Dindigul District.

3. The Superintendent, District Prison, Dindigul.

4.The Inspector of Police,
Town North Police Station,
Dindigul.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.PAREKHKUMAR J Advocate SR.No.12584

CRL OP(MD) No.19673 of 2022
Date :08/11/2022

KB/SBN(09.11.2022) 3P 7C