



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/12/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21634 of 2022

Thiyagarajan

... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
District Crime Branch, Theni,
Theni District.
(In Crime No.10/2020).

... Respondent/Complainant

For Petitioner : Mr. Mohan.A, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Cr No.10/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 19.11.2022 for the offence punishable under Sections 120(b), 420, 506(i) of I.P.C in Crime No. 10 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons have received a huge sum of money from the defacto complainant and other financiers by pledging cardamom crop receipts and that they have later defaulted in discharging the liability. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The petitioner is arrayed as A4 in this case. The co-accused/A1 to A3 have already been granted anticipatory bail, as per order of this Court in Crl.O.P(MD)No.15702 of 2020, dated 11.06.2021. The petitioner is in judicial custody from 13.11.2022. Hence, prays to release the petitioner on bail.



4. The learned Additional Public Prosecutor would submit that though the co-accused were released on anticipatory bail by this Court, considering the gravity of the offence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides. Taking into consideration the facts and circumstances of the case and considering the facts that the period of incarceration undergone by the petitioner, that the co-accused were already released on anticipatory bail by this Court, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Theni, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/12/2022

/ TRUE COPY /

07/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI,
THENI DISTRICT.

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

+1. CC to M/S. MOHAN.A Advocate SR.No.14457

ORDER

IN

CRL OP(MD) No.21634 of 2022

Date :07/12/2022

PNM

SA/VR/SAR. /07.12.2022/3P/7C