



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/12/2022
PRESENT

WEB COPY

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23001 of 2022

John Kennedy

... Petitioner/Rank Not Known

Vs

The State rep.by
The Inspector of Police,
City Crime Branch,
Trichy City.
in Crime No.12/2020

... Respondent/Complainant

P.Velusamy

... Intervening Petitioner/
De-facto Complainant
In Crl.MP(MD).16501/2022
in Crl.OP(MD).23001/2022

For Petitioner : M/s.SENTHIL KUMARAI AH.J,
Advocate.

For Respondent : Mr.A.THIRUVADIKUMAR,
Additional Public Prosecutor

For Intervenor : Mr.C.KANAGARAJ, Advocate

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

PRAYER :- For Bail in Cr No.12/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 24.11.2022 for the offence punishable under Sections 120B, 420, 448, 379, 468, 469, 195, 196 and 201 IPC in Crime No.12 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is a Civil Engineer and doing construction work in the name and style of Vignesh Constructions. In the year 2008, the de-facto complainant has purchased construction equipment from one Xavier Raj. Subsequently, by registering false FIR in crime No.32 of 2009 before the District Crime Branch, Dindigul, against the de-facto complainant and in the month of October 2009, all the accused persons abducted the construction materials with the help of police. Hence, on 25.01.2018, the de-facto complainant gave a complaint before the police officials. Based on the complaint, initially, FIR has been registered in Crime No.30 of 2018 before the District Crime



Branch, Dindigul and later, it was transferred to the respondent police.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 24.11.2022. Hence, he seeks bail.

4. The learned counsel for the intervenor would submit that the de-facto complainant is running construction business and he purchased centring things from one Saviour Raj and he received a sum of Rs.30,00,000/- for those materials. He would further submit that one Sivasubramanian approached the de-facto complainant stating that the centring things belongs to them and the de-facto complainant took the same for rent and registered a case in Crime No.32 of 2009 before the District Crime Branch, Dindigul and arrested the de-facto complainant and obtained his signatures in many papers and the third accused took the building materials from the office of the de-facto complainant and the de-facto complainant lodged a complaint and a case was registered against the accused and the value of the materials taken away by the accused is more than Rs.1.75 crore and this petitioner is in possession of Rs.6 lakhs. Hence, he opposed for grant of bail to him.

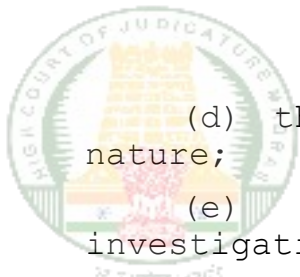
5. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has also involved in the offence and the major portion of the property has been recovered from the accused and rest of the property is yet to be recovered. Hence, he opposed for grant of bail.

6. Taking into consideration of the facts and circumstances of the case and that the petitioner is in judicial custody from 24.11.2022, this Court is inclined to grant bail to the petitioner subject to the following 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 No.1, Trichy, 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

28/12/2022

/ TRUE COPY /

28/12/2022

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

SJI/PNN

TO

1 THE JUDICIAL MAGISTRATE NO.I, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TRICHY CITY.

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

+1. CC to M/S. SENTHIL KUMARAI AH.J Advocate SR.No.15652 (I)
Date:28/12/2022.

ORDER

IN

CRL OP(MD) No.23001 of 2022
Date :28/12/2022

SA/VR/SAR. /28.12.2022/3P/7C