



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

PRESENT

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

CRL OP(MD). No.23324 of 2022

WEB COPY

1. Mohamed Raffic
2. Allith

... Petitioners/Accused No.2 & 4

Vs

State Rep.by
The Inspector of Police,
Gandhi Market Police Station,
Trichy District.
(Crime No.1529 of 2022)

... 1st Respondent/Complainant

For Petitioners : M/s.S.Absar Khan, Advocate.
For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor
For Intervenor : Mr.Mohamed Riaz, Advocate

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

PRAYER :-

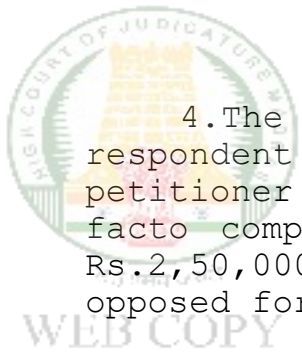
For Bail in Crime No.1529 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A2 & A4, who were arrested and remanded to judicial custody on 15.12.2022 for the offence punishable under Sections 417, 420, 294(b) and 506(1) IPC in Crime No.1529 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the de-facto complainant, by believing the words of the petitioners and other accused, gave 42 gold coins and a sum of Rs.2,50,000/- to them for the purpose of purchasing jewels and marriage expenses of his daughter. Thereafter, the accused persons have not returned the same with an intention to cheat the de-facto complainant and when the same was questioned by him, they have threatened the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 15.12.2022 and they, seek bail.



4.The learned Additional Public Prosecutor appearing as respondent would submit that it is a case of cheating and the petitioner and other accused, with an intention to cheat the de-facto complainant, have not returned 42 gold coins and a sum of Rs.2,50,000/- and the investigation is still pending. Hence, he opposed for grant of bail to the petitioners.

5.The learned counsel for the intervenor would submit that last night, the de-facto complainant received 40 gold coins (weighing 8 grams each) from the accused.

6.Taking into consideration of the facts and circumstances of the case and also considering the facts that the major part of the property has been recovered from the accused and that the petitioners are in judicial custody from 15.12.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute 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 Court, Tiruchirappalli, and on further conditions that:

(b) the petitioner and 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 petitioners shall appear before the respondent police daily at 10.30 a.m, until further orders;

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

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

(f) the petitioners 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 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];

(h) if the accused thereafter abscond, 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.



TO

1 THE JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE, GANDHI MARKET POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.S.ABSAR KHAN, Advocate (SR-15607[I] dated 28/12/2022)

ORDER

IN

CRL OP(MD) No.23324 of 2022

Date :28/12/2022

RS/VR/SAR.(28.12.2022) 3P-7C