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CRL OP(MD).

23



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2023

PRESENT

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

CRL OP(MD) . No.3855 of 2023

1. Natchiyappan,

2. Chinnakaruppu @ Chinnakaruppan,

... Petitioners/Accused Nos. 1 & 3

Vs

State Rep.by

The Inspector of Police,

Ammaiyanaickanur Police Station,

Dindigul District

(Crime No.22 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Veerapandi.P, Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

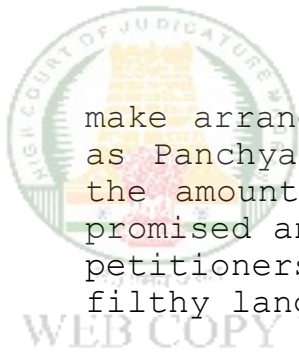
For Bail in Crime No.22 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3, who were arrested and remanded to judicial custody on 09.02.2023 for the offences punishable under Sections 406, 420, 294(b) and 506(i) of IPC in Crime No.22 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 28.12.2019, the de-facto complainant's wife Sumathi was contesting for President in the Local Body Panchayat Election, the accused had approached the de-facto complainant stating that the Election Officer is the close friend of them and if he pay a sum of Rs.41,00,000/-, they can

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make arrangement declaring the de-facto complainant's wife, as Panchyat President. Believing the words of the accused, he paid the amount. But the petitioner and the other accused not acted as promised and also not repaid the amount. When it was questioned, the petitioners and other accused abused the de-facto complainant in filthy language. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given on account of political motive. He would further submit that the de-facto complainant had threatened the petitioners, who belong to the Scheduled Caste community and on the complaint given by the petitioners, a case in Crime No.677 of 2021 has been registered against the de-facto complainant party and thereby, he would seek for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case and case in counter. He would further submit that the allegation against the petitioners is that they have received a sum of Rs.4,00,000/- from the de-facto complainant for declaring the de-facto complainant's wife as a Panchayat President and thereafter, without declaring as President and cheated him. Hence, he would object for grant of bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels, 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, Nilakottai, Dindigul District, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioners shall report 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 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 petitioners 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/-

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
AMMAIYANAICKANUR POLICE STATION,
DINDIGUL DISTRICT
- 4 THE OFFICER INCHARGE
VEDACHANDUR, DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.VEERA PANDI, Advocate (SR-2999[I] dated 28/02/2023)

ORDER

IN

CRL OP(MD) No.3855 of 2023

Date :28/02/2023

PKP/SBN/SAR-/28.02.2023/3P/7C

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