



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.4205 of 2023

WEB COPY

Balasubramanian

... Petitioner/Accused 2

-VS-

The State represented by
The Sub Inspector of Police,
Ammapatti Police Station,
Virudhunagar District.
(in Cr.No.58 of 2021)

... Respondent/Complainant

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

PRAYER :- For Bail in Crime No.58 of 2021 on the file of the
Respondent Police.

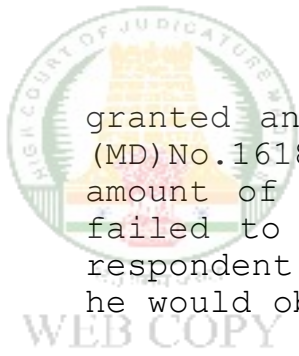
For Petitioner	: Mr.AN.Ramanathan
For Respondent	: Mr.T.Senthil Kumar
	Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 05.01.2023 for the offences punishable under Sections 294(b), 323, 420 and 506(i) of IPC in Crime No.58 of 2021 on the file of the respondent police, seeks bail.

2.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would also submit that a case of money dispute has been projected as a case of job racketing. He would also submit that earlier the petitioner was granted anticipatory bail by this Court on 23.08.2022 in Crl.O.P.(MD)No.16189 of 2021 with the condition that he should deposit an amount of Rs.15,00,000/- to the credit of crime number or in the event of failure to deposit, he has to surrender before the respondent Police and seek regular bail. He would further submit that the petitioner was unable to raise funds and thereby, he surrendered before the respondent Police on 05.01.2023 and he is in custody for the past 58 days. He would also submit that major part of the investigation is also over. He would further submit that the petitioner has also deposited an amount of Rs.3,00,000/- to the credit of crime number and thereby, he would seek bail.

3.The learned Additional Public Prosecutor would submit that the petitioner is arrayed as A2 in this case. He was earlier



granted anticipatory bail by this Court on 23.08.2022 in (MD)No.16189 of 2021 with the condition that he should deposit an amount of Rs.15,00,000/- to the credit of crime number. Since he failed to deposit the said amount, he has surrendered before the respondent Police and remanded to judicial custody on 05.01.2023. he would object for grant of bail to the petitioner.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 05.01.2023, 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.II, Sattur, 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., for a period of one week and thereafter, as and when required;

(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 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/-

03/03/2023

/ TRUE COPY /

03/03/2023

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



CMR

TO

1 THE JUDICIAL MAGISTRATE NO.II,
SATTUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, ARUPPUKOTTAI.

4 THE SUB INSPECTOR OF POLICE,
AMMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.RAMANATHAN AN Advocate SR.No.3297

ORDER

IN

CRL OP (MD) No.4205 of 2023

Date :03/03/2023

SA/SBN/SAR. /03.03.2023/3P/7C