



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5395 of 2023

1.Gurumoorthy

2.Punniyamoorthy

... Petitioners/Accused No.1&2

Vs

The State rep.by,
The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
Crime No.100 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Prabhu K.A.S.,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.100 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners /A1 and A2 who were arrested and remanded to judicial custody on 16.02.2023 for the offence under section 420 of IPC in Crime No.100 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner herein along with two others went to Muthoot Finance Company Limited and obtained loan by pledging 30grms of spurious gold jewels, hence the case.

3. Heard both sides and perused the materials available on <https://www.mca.gov.in/> including the First Information Report.



4. It is seen that the petitioner herein only attempted to pledge spurious gold jewels. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kumbakonam 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 petitioner shall stay at Perundurai and report before the Perundurai police daily at 10.30 A.M. and 5.30P.M., for a period of four weeks and thereafter before the respondent police daily at 10.30 a.m., and 5.30 pm., for a period of four weeks and thereafter as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/03/2023

/ TRUE COPY /

23/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM
3. THE OFFICER IN CHARGE,
SUB JAIL, KUMBAKONAM.
4. THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
PERUNDURAI POLICE STATION.

+1 CC to M/s.K.A.S.PRABHU, Advocate (SR-4684[I] dated 23/03/2023)

ORDER

IN

CRL OP(MD) No.5395 of 2023

Date :23/03/2023

RK/MMS/SAR-(23/03/2023) 3P/8C