



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/04/2023
PRESENT

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

CRL OP(MD) . No.7723 of 2023

Govindan,

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
Gandamanur Police Station,
Theni District.

... Respondent/Complainant

For Petitioner : M/s.POORNACHANDRAN 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.29/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 19.02.2023 for the offences under sections 406,420,387 and 506(ii) of IPC in Crime No.29 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner along with other accused cheated the defacto complainant to the tune of Rs.60 lakhs , hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. The case of the prosecution is that the accused persons compelled the defacto complainant to give a sum of Rs.80,00,000/- by way of 500 notes, in turn, they will give one crore by 2000 notes. Believing the same, the defacto complainant parted the money and thereafter, took it away on 04.02.2023, whereas the complaint was lodged on 19.02.2023. It is seen that after the arrest of the petitioner the respondent police secured Rs.2,30,000/- and one of



the property of the petitioner was also identified by the respondent. 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Andipatti 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 report before the respondent police daily at 10.30 A.M. and 5.30P.M., 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/-

25/04/2023

/ TRUE COPY /

25/04/2023

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



AAV
TO

1 THE JUDICIAL MAGISTRATE,
ANDIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.

4 THE INSPECTOR OF POLICE,
GANDAMANUR POLICE STATION,
THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.7723 of 2023

Date :25/04/2023

SA/VR/SAR. /25.04.2023/3P/6C