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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2023

PRESENT

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

CRL OP(MD) . No.8008 of 2023

Ashik Ibrahim,

... Petitioner/Accused No.2

Vs

State Rep.by

The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
Crime No.72 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Boomee Rajan.PR,Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.Side)

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

PRAYER :-

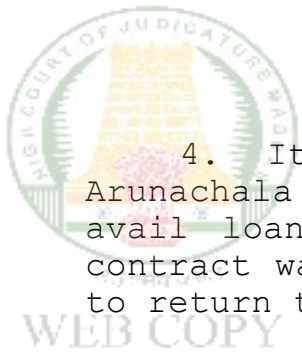
For Bail in Crime No.72 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A2 who was arrested and remanded to judicial custody on 31.03.2023 for the offences under sections 406,419 and 420 of IPC in Crime No.72 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that due to money dispute between the parties on 23.03.2023 the petitioner along with other accused committed the offence of criminal breach of trust and cheated the defacto complainant, hence the case.

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



4. It is seen that the petitioner has impersonated as Arunachala Chettiyar and received a sum of Rs.10 lakhs in order to avail loan for a sum of Rs.10 Crores and thereafter the entire contract was breached and he failed to avail any loan and refused to return the amount, hence the case.

5. The learned counsel for the petitioner would submit that the petitioner without his prejudice is ready and willing to deposit some amount, hence he may be granted bail.

6. Taking into consideration of 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:

7. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions

[a] the petitioner shall deposit a sum of Rs.5,00,000/- to the credit in Crime No.72 of 2023 on the file of the respondent before the concerned Court without prejudice to his defence

[b] On such deposit, the petitioner shall 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, Karaikudi, Sivagangai District

[c] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity ;

[d] the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 pm., until further orders.

[e] the petitioner shall not tamper with evidence or witness.

[f] the petitioner shall not abscond during trial.

[g] On breach of any of the aforesaid conditions, the learned 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/-
27/04/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL, THIRUPATHUR, SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.BOOMEERAJAN.PR, Advocate (SR-6795[I] dated 27/04/2023)

ORDER
IN
CRL OP(MD) No.8008 of 2023
Date :27/04/2023

PKP/SSS/SAR- /27.04.2023/ **3P/7C**