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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/05/2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8484 of 2023

Rajangam

... Petitioner/Accused No.7

Vs

The State represented by
The Inspector of Police,
District Crime Branch,
Theni Distirct.
Cr.No.10/2023.

... Respondent/Complainant

For Petitioner : M/s. Jeyakumar.B,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

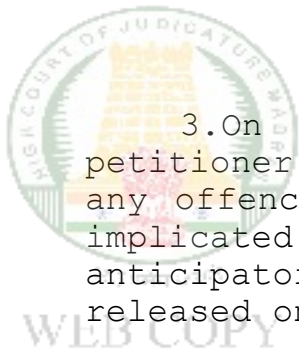
PRAYER :-

For Bail in Cr.No.10/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 05.04.2023 for the offences punishable under Sections 417, 420, 120B, 294(b) and 506(1) of IPC in Crime No.10 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 he is working as a Manager in Cholamandalam Investment Finance Company Limited and they used to lend vehicle loans. Eight persons entered into a contract with him for purchasing Tractors. The entire amount has been transferred to Sri Gowmariamman Tractors. The first instalment was also paid through one Madhan. From the second month, they failed to pay the installments. When the staff from the de-facto complainant approached the borrowers, they replied that their documents have been given to one Madhan for getting a subsidy. Thereby, all the accused persons conspired together in order to cheat the de-facto complainant's company. Upon 8 Tractors, the complainant company repossess 5 Tractors. The remaining 3 tractors could not be reposed by the de-facto complainant's company. When the same was questioned by the complainant, one Balamurugan and Madhan intimidated the complainant.



3. On the side of the petitioner, it is stated that the petitioner's name is not found in the FIR and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. A1 to A6 have already been granted anticipatory bail by this Court and prayed the petitioner to be released on bail.

4. On the side of the prosecution, it is stated that the petitioner is having one previous case. It is fairly admitted that A1 to A6 have already been granted anticipatory bail by this Court and the alleged Tractors were recovered.

5. Considering the period of incarceration and on considering the fact that A1 to A6 have already been granted anticipatory bail by this Court and also considering the fact that the Tractors were recovered, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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, Theni.

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/05/2023

/ TRUE COPY /

04/05/2023

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



TO

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1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE,
THENI, THENI DISTRICT.

4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT.

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

+1 CC to M/s.JEYAKUMAR.B, Advocate (SR-7170[I] dated 04/05/2023)

ORDER

IN

CRL OP(MD) No.8484 of 2023

Date :04/05/2023

SS/BUC/SAR /04/05/2023/3P/7C