



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/05/2023

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8602 of 2023

Vijay

... Petitioner / Accused No.2

Vs

State represented through
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
Crime No.16 of 2023.

... Respondent / Complainant

For Petitioner : M/s.Maharaja M, Advocate.

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

For Intervenor : Mr.R.Anand, Advocate

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

PRAYER :-

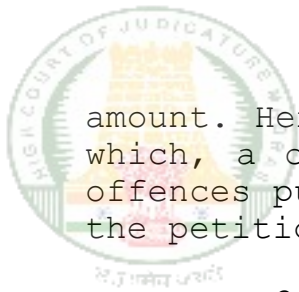
For Bail in Cr.No.16/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 20.04.2023, in Crime No.16 of 2023, on the file of the respondent police for the offences punishable under Sections 120B, 406 & 420 IPC, seeks bail.

2. The case of the prosecution is that one Seelan Selvaraj and the defacto complainant are childhood friends. In order to develop the business of the said Seelan Selvaraj, he approached the defacto complainant for hand loan. The said Seelan Selvaraj also introduced the petitioner to the defacto complainant. Based on their request, the defacto complainant gave a sum of Rs.8,29,18,471/- to the petitioner's company on various occasions. When the defacto complainant demanded to repay the amount, the

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amount. Hence, the defacto complainant lodged a complaint, in which, a case in Crime No.16 of 2023 has been registered, for the offences punishable under Sections 120B, 406 & 420 of IPC as against the petitioner and others.

3.The learned counsel appearing for the petitioner submits that there are totally seven accused and except the petitioner/accused No.2, others belong to the same family. The learned counsel further submits that the petitioner is suffering from various ailments such as, diabetics and myocardial infarction and he has to take treatment. Relevant medical records have also been produced before this Court. Therefore, the learned counsel prays this Court to release the petitioner on bail with some stringent conditions.

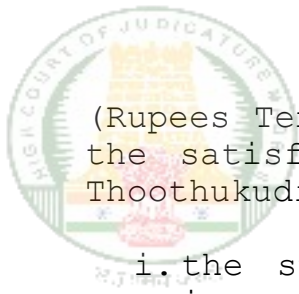
4.The learned Additional Public Prosecutor appearing for the respondent submits that though the petitioner was arrested on 20.04.2023, he has to get instructions with regard to the previous cases, if any, pending as against the petitioner and also with regard to the genuineness of the medical records produced by the petitioner.

5.The learned counsel appearing for the defacto complainant submits that on the inducement made by the petitioner alone, the defacto complainant allowed the petitioner to transact through his bank account. However, the documents produced by him are all forged documents. At the time of arrest, the petitioner has not mentioned anything about his health condition. He has to approach the District Court for the relief of bail. The petitioner has no right to approach this Court. The investigation is in the initial stage. If the petitioner is released on bail, there may be chances for tampering the witnesses. He strongly opposes for grant of bail to the petitioner.

6.It is seen that the petitioner was arrested and remanded to judicial custody on 20.04.2023. The petitioner has approached the Judicial Magistrate Court No.IV, Thoothukudi seeking bail and the same was dismissed on 02.03.2023. Considering the facts and circumstances of this case and taking into consideration the medical records submitted by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.16 of 2023 before the Judicial Magistrate Court No.IV, Thoothukudi, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

8. On such deposit being made, the petitioner is ordered to be released on bail, on his executing a bond for a sum of 10,000/-



(Rupees Ten Thousand only) with two sureties each for a lil to the satisfaction of the learned Judicial Magistrate Court No.IV, Thoothukudi, and on further conditions that:

- i.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;
- ii.the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;
- iii.the petitioner shall not tamper with evidence or witness;
- iv.the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;**
- v.On breach of any of the aforesaid conditions, the learned Judge/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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.
- vi.If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/05/2023

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05/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

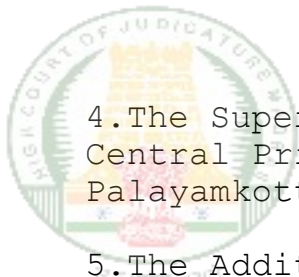
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To

1.The Judicial Magistrate No.IV,
Thoothukudi.

2.Do through the Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
District Crime Branch,
Thoothukudi District.



4.The Superintendent,
Central Prison,
Palayamkottai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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+2 CC to M/s.MAHARAJA M, Advocate (SR-7222[I] dated 05/05/2023)

ORDER

IN

CRL OP(MD) No.8602 of 2023

Date :05/05/2023

ED/VR/SAR- (05/05/2023) 4P 8C