



WEB COPY

CRL OP(MD). A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/06/2023
PRESENT

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

CRL OP(MD). No.11065 of 2023

Sivajanarthanan,

... Petitioner/Accused 1

Vs

The State rep.by
The Inspector of Police,
Oranthanadu Police Station,
Thanjavur District.
(Cr.No.511/2023).

... Respondent/Complainant

For Petitioner : M/s.ANANTHA MURUGAN S M,
Advocate.

For Intervenor : M/s.G.KANNAN
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.511 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

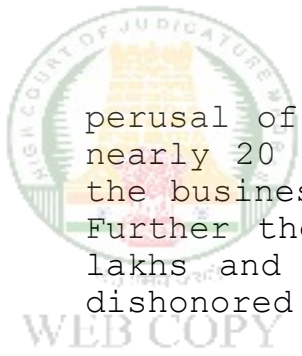
The petitioner /A1 who was arrested and remanded to judicial custody on 28.05.2023 for the offences under sections 406 and 420 of IPC in Crime No.511 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that A1 received a sum of Rs.39,99,000/- from the defacto complainant for the purpose of running a business but he did not return back the same to 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 having breached the trust and cheated the defacto complainant to the tune of Rs.39,99,000/- A

<https://www.mhc.tn.gov.in/judis>



perusal of the record reveals the fact the petitioner has ed nearly 20 lakhs through the bank account, however he did not start the business as assured by him and also refused to return the same. Further the petitioner had also issued cheque for a sum of Rs.10 lakhs and when it was presented for collection the same returned dishonored for the reason 'insufficient funds'.

5. The learned counsel for the petitioner would submit that the petitioner without his prejudice is ready and willing to return some amount to the defacto complainant as directed by this Court.

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 hand over a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the defacto complainant directly without prejudice to his rights and defence before the trial Court.

[b] On such payment being made and production of acknowledgement from the defacto complainant, 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, Orathanadu, Thanjavur 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 for a period of two weeks and thereafter as and when required for interrogation.

[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/-
21/06/2023

WEB COPY

/ TRUE COPY /

21/06/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
ORATHANADU, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
- 4 THE INSPECTOR OF POLICE,
ORANTHANADU POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ANANTHA MURUGAN S M Advocate SR.No.29366 (F)
Dt.21/06/2023.

ORDER

IN

CRL OP(MD) No.11065 of 2023

Date :21/06/2023

SA/VR/SAR. /21.06.2023/3P/7C