



WEB COPY

CRL OP(MD). A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/06/2023

PRESENT

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

CRL OP(MD). No.11503 of 2023

M.Bharath

... Petitioner/Accused No.10

Vs

State Rep.by
The Inspector of Police,
Vilakkuthoon Police Station,
Madurai.
(Crime No.124/2023)

... Respondent/Complainant

For Petitioner : M/s.Mahendrarajan B,
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.124 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner /A10 who was arrested and remanded to judicial custody on 06.06.2023 for the offences under sections 406, 420 and 120(b) of IPC in Crime No.124 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the de-facto complainant is doing wholesale business in Gold ornaments. A1 is the customer of the de-facto complainant. A1 introduced the other accused persons to the de-facto complainant. All the accused persons purchased gold ornaments from the de-facto complainant on loan basis for the period from October 2022 to January 2023 and thereafter, they have not paid the amount and thereby cheated the de-facto complainant. Totally, all the accused persons have cheated 10 ½ kgs of gold jewels of the de-facto complainant. The value of the cheated gold jewels is Rs.2,80,00,000/-. Hence, the case



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

4. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration and also the fact that co-accused were granted bail by this Court, 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 No.I, Madurai 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. 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/-

27/06/2023

/ TRUE COPY /

27/06/2023

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

AAV



TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE OFFICER INCHARGE, KANAVILAKU JAIL, THENI DISTRICT.

4 THE INSPECTOR OF POLICE, VILAKKUTHOON POLICE STATION, MADURAI.

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

+1 CC to M/s.B.MAHENDRARAJAN, Advocate (SR-9719[I] dated 27/06/2023)

ORDER

IN

CRL OP(MD) No.11503 of 2023

Date :27/06/2023

RS/SSS/SAR-(27.06.2023) 3P 7C