



CRL OP(MD). No.15578 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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M.Suresh,

... Petitioner/ Accused 5

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Madurai District.
Crime No.7 of 2023.

... Respondent/Complainant

For Petitioner : M/s.M.MOHAMED SHERBUDEEN
Advocate.

For Respondent : Mr.S.RAVI,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.7 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5 who was arrested and remanded to judicial custody on 07.07.2023 for the offences punishable under Sections 406,420 and 506(i) of IPC in Crime No.7 of 2023 on the file of the respondent Police, seek bail.

2. The learned counsel appearing for the petitioner would contend that the



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petitioner has not committed any offence as alleged by the prosecution. Further A1 is the close friend of the defacto complainant and one of the share holders of the company of the defacto complainant. The respondent called the petitioner for enquiry on several occasions and he also cooperated with the enquiry. The petitioner was arrested and remanded to judicial custody on 07.07.2023 and he is still in judicial custody, hence he may be granted bail.

3. The learned Additional Public Prosecutor appearing for the respondent would contend that there are totally seven accused in this case and the petitioner herein is arrayed as A5. The accused persons have cheated the defacto complainant to the tune of Rs.6.7 Crores. The co-accused in this case was released on bail, however he strongly objected to grant bail to the petitioner.

4. Heard both side and perused the materials available on record.

5. Considering the rival submissions on either side and considering the nature of offence and considering the fact that the petitioner appeared before the respondent for enquiry and also considering the fact that co-accused was released on bail by this Court and also considering the period of incarceration and all other aspects, 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



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sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I,
Madurai and on further conditions that:

[b] the petitioner shall report before the respondent police on every Monday at 10.00 am.,until further orders and he has to cooperate with the investigation.

[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/-
28/08/2023

/ TRUE COPY /

28/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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AAV

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, THIRUMANGALAM.

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

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

+1 CC to M/s.M.MOHAMED SHERBUDEEN, Advocate (SR-12868[I] dated
28/08/2023)

ORDER IN

CRL OP(MD) No.15578 of 2023

Date :28/08/2023

SA/SAR. /28.08.2023/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.