



CRL OP(MD). No.17478 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17478 of 2023

1. A.James,

2. S.Bava Bakrudeen,

3. R.Pandi,

... Petitioners/ Accused No.1, 2 & 4

Vs

State Rep.by

The Inspector of Police,

Uthamapalayam Police Station,

Theni District.

Crime No. 277 of 2023.

... Respondent/ Complainant

For petitioners : M/s.Jainul Abudheen.A,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. 277 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1,2 and 4 who were arrested and remanded to judicial custody on 05.08.2023 for the offences punishable under Sections 420 of IPC

in Crime No.277 of 2023, on the file of the respondent Police, seek bail.

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



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2. The case of the prosecution is that on false promise, the petitioners canvassed the defacto complainant to deposit money in their company. Believing their words the defacto complainant deposited Rs.2,50,000/-. But, later he came to know that they have cheated them. Hence, the case.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them and the petitioners were arrested on 05.08.2023 and they are in custody for more than 55 days, hence bail may be granted to them.

4. The learned Additional Public Prosecutor, would submit that the petitioners on the instructions of the third accused he has given the amount to the first accused and get a bag, which is found with animal organs. The petitioners are having no previous cases and strongly objected to grant bail to the petitioners.

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

6. Considering the rival submissions on either side, considering the nature of offence and also considering the period of incarceration, I am inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate,



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Uthamapalayam and on further conditions that:

[b] the petitioners shall report before the respondent police, daily at 10.30 A.M. for a period of thirty days, thereafter, as and when required for interrogation.

[c] the petitioners shall not commit any offences of similar nature.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
29/09/2023

/ TRUE COPY /

29/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO COPY

- 1 THE JUDICIAL MAGISTRATE,UTHAMAPALAYAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE OFFICER INCHARGE,SUB JAIL, UTHAMAPALAYAM,
- 4 THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION, THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.JAINUL ABUDEEN, Advocate (SR-14394[I] dated 29/09/2023)

ORDER
IN
CRL OP(MD) No.17478 of 2023
Date :29/09/2023

PKP/SAR- /29.09.2023/ 4P/7 C

Madurai Bench of Madras High Court is issuing certified
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