



CRL OP(MD)No.17900 of 2023

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

Date : 09.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Muneeswaran

... Petitioner / Sole Accused

Vs

State through
The Inspector of Police,
Sayalgudi Police Station,
Ramanathapuram District.
(In Crime No.183 of 2023)

... Respondent / Complainant

For Petitioner : M/s.N.Jeyaram Sidharth, Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.183 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 30.08.2023
for the alleged offence punishable under Sections 406 and 420 IPC in Crime No.183



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of 2023, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that on 15.06.2023, the petitioner pledged a gold chain with 57 grams weight and availed a sum of Rs.2,36,000/- as gold loan in the Muthoot Fincorp Ltd., Sayalgudi Branch. On 12.07.2023, again he pledged gold bangles with 49.5 grams and availed a sum of Rs.1,99,999/- as loan. Thereafter, on 11.08.2023, audit was conducted in the branch and it came to light that the gold ornaments pledged by the petitioner are not real gold. Immediately, the same was informed to the petitioner and he promised to repay the amount. However, he failed to repay the amount. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 18.09.2023 and if the petitioner released on bail, he is ready to redeem the pledged jewels from the defacto complainant bank.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner pledged the bogus jewels and availed loan and thereby, cheated the defacto complainant bank. Hence, he opposed to grant bail to the petitioner.

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



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6. On perusal of records, it is noticed that the petitioner is in custody from 30.08.2023. Considering the period of incarceration and to enable the petitioner to raise money to redeem the pledged jewels, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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, Kadaladi and on further conditions that:

(ii) 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;

(iii) the petitioner shall appear before the trial Court on summons.

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

vi) 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].



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vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/10/2023

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09/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

- 1.The Judicial Magistrate,
Kadaladi.
- 2.Do through the Chief Judicial Magistrate,
Ramanathapuram District.
- 3.The Inspector of Police,
Sayalgudi Police Station,
Ramanathapuram District.
- 4.The Officer Incharge,
District Jail,
Ramanathapuram.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.NAVANEETHARAJA, Advocate (SR-14855[I] dated 09/10/2023)



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ORDER

IN

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Date :09/10/2023

ED/ /SAR- (09/10/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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