



CRL OP(MD). No.18031 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Rajesh Kanna

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(Crime No.32/2023)..

... Respondent/ Complainant

For Petitioner : M/s.Vanchinathan S,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.32/2023 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 on



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25.08.2023 for the alleged offence punishable under Sections 406,420,294(b),506(i) and 120(B) of IPC in Crime No.32 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused conspired together to cheat the defacto complainant and according to their conspiracy from 28.01.2023 to 18.07.2023 A1 to A3 purchased 12,450 ton coal on various dates for a sum of Rs.9,94,78,608/- from the company of the defacto complainant and sold the above coal to A1 to A3 through e.way bill and subsequently A1 to A3 sold the coal to retailers and they repaid only Rs.4,84,87,073/- to the defacto complainant's company and they did not pay the balance amount of Rs.5,09,91,537/- to the company of the defacto complainant and misappropriated the above said amount and thereby they committed criminal breach of trust and thereafter on 18.07.2023 when the defacto complainant went to the office of the accused and asked about the balance amount all the accused persons abused him in filthy language and also threatened him with dire consequences. 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



25.08.2023, hence he seek bail.

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4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the accused persons committed criminal breach of trust, hence, he strongly objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

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

6. It is a case of non payment for purchase of coal. Considering the facts and circumstances and also taking into consideration the period of incarceration and also taking note of the fact that no previous case is pending against the petitioner and also considering 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Thoothukudi and on further conditions that:



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(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 respondent police on every Monday at 10.00 am., until further orders.

(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].

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

sd/-
10/10/2023

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

AAV



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TO

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- 1 THE JUDICIAL MAGISTRATE NO.IV
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THOOTHUKUDI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, PERAVOORANI, THOOTHUKUDI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.VANCHINATHAN, Advocate (SR-14913[I] dated 10/10/2023)

ORDER
IN

CRL OP(MD) No.18031 of 2023
Date :10/10/2023

SS/10/10/2023/5P/7C

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