



CRL OP(MD)No.19291 of 2023

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

Date : 26.10.2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL
CRL OP(MD)No.19291 of 2023

Elangovan

... Petitioner/ Accused

Vs

The State rep.by,
The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
(Cr.No.348 of 2023)

... Respondent

For Petitioner : Mr.B.Vetrivel, Advocate

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.348 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 02.09.2023 for the alleged offence under Sections 294(b), 384, 342, 506(ii) IPC r/w 67 of IT (Amended) Act 2008 in Crime No.348 of 2023, on the file of the respondent police, seeks bail.



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2.The petitioner is arrayed as A2. A1 is the wife of the petitioner. The case of the prosecution is that on 23.08.2023, A1 called the defacto complainant over the phone, in order to hand over her document towards a loan already received from the defacto complainant by her. By believing the words of A1, the defacto complainant went to the accused house where other accused were present. The accused persons threatened the defacto complainant and removed his dress and took his nude photo and demanded the money from him. Hence, the case.

3.The learned counsel for the petitioner submitted that petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that there is money transaction between the defacto complainant and the accused persons and hence, the defacto complainant preferred a false complaint and the petitioner is in judicial custody from 02.09.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor submitted that the petitioner herein is arrayed as A2 and he is the husband of A1. The petitioner and other accused committed the offence as stated in FIR. Hence, if bail is granted, the petitioner will cause threat to the defacto complainant and therefore, he objected to grant bail.



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5.The learned counsel for the petitioner appeared before the Court through video conference. The learned Additional Public Prosecutor appeared before the Court physically. This Court has heard both side submissions and perused the materials.

6.Considering the fact that the petitioner is in judicial custody for the past 56 days and also considering the nature of allegations made against the petitioner and the nature of offence allegedly committed by the petitioner, this Court is inclined to grant bail to the petitioner with conditions.

7.Accordingly, this Criminal Original Petition is allowed subjected to the following conditions:-

i)the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur,

ii)the petitioner shall report before the respondent police daily at 10.00 a.m. and 5.00 pm until further orders.



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iii)the petitioner shall not cause threat to the defacto complainant and witnesses.

iv)on breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

sd/-
26/10/2023

/ TRUE COPY /

27/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

1.THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR.

3.THE SUPERINTENDENT,
SUB JAIL,
THANJAVUR.

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



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4.THE INSPECTOR OF POLICE,
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.B.VETRIVEL, Advocate (SR-15613[I] dated 26/10/2023)

ORDER
IN
CRL OP(MD) No.19291 of 2023
Date :26/10/2023

RK (27/10/2023) 5P / 7C

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