



CRL OP(MD). No.20261 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

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1. G.Sheik Maideen,

2. P.Subramani,

3. G.Deva Aasirvatham

... Petitioners/ Accused Rank No.2

Vs

State Rep.by

The Inspector of Police,
K.K.Nagar Police Station,
Trichy City.

Crime No.1388 of 2023.

... Respondent/Complainant

For Petitioners : Mr.C.Narendren, Advocate.

For Respondeen : Mr.R.M.S.Sethurman, Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr.No.1388 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused who were arrested and remanded to judicial custody

on 19.10.2023 for the offences under Sections 147,294(b),323,353,506(i) and 379 of

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



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IPC, in Crime No.1388 of 2023 on the file of the respondent police seek bail.

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2.The defacto complainant is the Assistant Manager of Canara Bank, ARM Branch. The case of the prosecution is that the first accused along with others who were partners in ACL Infosys Group obtained Rs.22 Crores as loan and the same was pending and hence action was taken SARFASEI Act and on 28.05.2023 they obtained direct possession order from the District Collector and on 18.10.2023 at about 11.00 a.m., when the bank officials and Deputy Tahsildhar went for taking possession the petitioners and others attacked them brutally and took four cellphones and two camera and they also prevented the officials from discharging their duty. Hence, the case .

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that co -accused were granted bail by this Court. He would further submit that the petitioners are in custody from 19.10.2023, hence he seek bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that on 18.10.2023 at about 11.00 a.m., when the Bank officials and Deputy Tahsildhar went to the occurrence place for taking possession the petitioners and others attacked them brutally and took four cellphones and two camera and they also prevented the officials from discharging their duty ,hence he objected to grant bail to



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the petitioner. However he fairly concedes that co-accused were granted bail by this Court.

5. Taking into consideration the facts and circumstances of the case and also the fact that co-accused were granted bail by this Court and also taking into consideration the period of incarceration this court is 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.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Tiruchirapalli and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

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

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

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

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
10/11/2023

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10/11/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.II, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE, K.K.NAGAR POLICE STATION, TRICHY CITY.

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

+1 CC to M/s.J.PON ESWARA MOORTHY, Advocate (SR-16185[I] dated
10/11/2023.)

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ORDER IN
CRL OP(MD) No.20261 of 2023
Date :10/11/2023

RS//SAR-(10.11.2023) 5P 7C

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