



CRL OP(MD)No.20845 of 2023

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

Date : 21.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM
CRL OP(MD)No.20845 of 2023

S.Vallinayagam

... Petitioner/ Accused No.1

Vs

State Rep.by
The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.
(Crime No.438 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.P.Rajesh, 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.438 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 30.09.2023 for the alleged offence punishable under Sections 420, 294(b) & 506(ii) IPC in Crime No.438 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner borrowed a sum of Rs.10,00,000/- as a hand loan from the defacto complainant to meet their son's educational expenses. As a security, they gave two cheques and bond paper of Rs.20.

When the defacto complainant presented the cheques for collection it was bounced.

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



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On 20.09.2023, when the defacto complainant demanded money, the petitioner and other accused 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 30.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation in this case is not yet completed.

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

6.Considering the facts and circumstances and also taking into consideration the period of incarceration and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate, Radhapuram and on further conditions that:



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

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

(iv)the petitioner shall not abscond during trial.

(v) 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].

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

sd/-
21/11/2023

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21/11/2023

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

gns
TO

1 THE JUDICIAL MAGISTRATE, RADHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.



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4 THE OFFICER INCHARGE, SUB JAIL, NANGUNERI.

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

ORDER

IN

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Date :21/11/2023

RS//SAR-(21.11.2023) 4P 6C

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