



CRL OP(MD). No.21560 of 2023

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

Date : 30/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Reshaff Sankar

... Petitioner/ Accused Rank not known
Vs

The State represented by
The Inspector of Police,
Anjugramam Police Station,
Kanniyakumari District.
Crime No. 151 of 2023.

... Respondent/Complainant

For Petitioner : Mr.T.Leninkumar,
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.151 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 04.09.2023 for the alleged offence punishable under Sections 406 and 420 of IPC in Crime No.151 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons cheated the defacto complainant to the tune of Rs.1,20,000/-. Hence the case.



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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 alleged occurrence took place on 22.08.2023 but the complaint was lodged after 12 days. He would further submit that the petitioner is in custody from 04.09.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the accused persons cheated the defacto complainant to the tune of Rs.1,20,000/-, hence, he strongly objected to grant bail to the petitioner. However he fairly concedes that the investigation has been completed and final report filed before the concerned Court.

5.Considering the nature of allegations made against the petitioner and also considering the period of incarceration and taking note of the fact that the investigation has been completed and final report filed before the concerned Court and also 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 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6.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



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the satisfaction of the learned Judicial Magistrate No.III, Nagercoil and on further
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conditions that:

(i) the petitioner shall appear before the trial Court as directed by the trial Court.

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

(iii) the petitioner shall not abscond during trial.

(iv) 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].

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

sd/-
30/11/2023

/ TRUE COPY /

30/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV



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TO

1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
ANJUGRAMAM POLICE STATION, KANNIYAKUMARI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.

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

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-17086[I] dated 30/11/2023)

ORDER
IN

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Date :30/11/2023

SS/SAR- /30/11/2023/4P/7C

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