



CRL OP(MD). No.22241 of 2023

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

Date : 08/12/2023

PRESENT

The Hon'ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.22241 of 2023

Hemanathan

... Petitioner/ Accused No.3

Vs

The Sub Inspector of Police,
City Crime Branch Police Station,
Tirunelveli City,
Tirunelveli District.
Crime No.28 of 2019.

... Respondent/ Complainant

For Petitioner : Mr.K.Saravanan, 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.28 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 08.11.2023 for the alleged offences punishable under Sections 420 and 120(b) IPC, in Crime No.28 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused have

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received a sum of Rs.5,00,000/- from the defacto complainant and others by stating that they have to invest the money into share market and repaid the same more than they invest. However, they have not returned the money to the defacto complainant and others. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 08.11.2023. Hence, he prays for bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police has strongly opposed to grant bail to the petitioner.

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

6. On perusal of the records, it is noticed that there is no allegation as against this petitioner. Further, the petitioner is in custody from 08.11.2023. Therefore, considering the facts and circumstances and also considering 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



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execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Tirunelveli and on further conditions that:

(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 Judge/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 Judge/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/-
08/12/2023

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08/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN
TO
1 JUDICIAL MAGISTRATE NO.I
TIRUNELVELI

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- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE SUB INSPECTOR OF POLICE
CITY CRIME BRANCH POLICE STATION,
TIRUNELVELI CITY,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SARAVANAN, Advocate (SR-17476[I] dated 08/12/2023)

ORDER
IN

CRL OP(MD) No.22241 of 2023

Date :08/12/2023

PKP/08.12.2023/ 4P/ 7C

Madurai Bench of Madras High Court is issuing certified
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