



Crl.O.P.No.690 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

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S.Jai Shankar

...Petitioner/Accused-1

Vs.

State represented by
The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.

(Crime No.540 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.540 of
2023 on the file of the respondent on such terms and conditions.

For Petitioner : Mr.D.Jayasekar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/A1 in Crime No.540 of 2023, registered by the respondent for the offences under Sections 406, 420 & 109 of IPC, seeks bail. The petitioner had been remanded to custody on 21.11.2023.

2.It is the case of the prosecution that for educational expenses of the daughter of the defacto complainant, she had approached a broker who had introduced her to the petitioner herein. On 24.11.2022, the defacto complainant had borrowed a sum of Rs.50,000/-. It is alleged that on 26.11.2022, the broker and the petitioner came to the house of the defacto complainant seeking security for the said amount of Rs.50,000/- and had obtained original documents relating to title deeds of the property. It had also been stated that the defacto complainant and his wife also had affixed their thumb impressions in blank green stamp papers.

3.It is stated that he had repaid the said amount of Rs.50,000/- but the documents which had been produced had not been returned back to



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the defacto complainant. Under those circumstances, a complaint was lodged and FIR had been registered.

4.It is contended by the learned counsel for the petitioner that the amount borrowed was a sum of Rs.15,00,000/-. It is stated that O.S.No.294 of 2023 has also been filed before the Sub-court, Pollachi, seeking recovery of the amount. It is stated that xerox copies of the documents have been filed in that suit. An affidavit has been now filed by the 4th accused wherein an undertaking has been given that three documents which had been collected from the defacto complainant would be deposited before the Magistrate Court.

5.Taking all those factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following condition;

6.Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction



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of the Judicial Magistrate I, Udumalpet, and on further conditions that: -

[a] 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.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner must deposit the original title deeds particularly, Doc.Nos.1377/2012, 1151/2006 and 9861/2010, the original death certificate of the husband of the defacto complainant by name Prasanth, the original legal heirship certificate and original Aadhaar Card to the credit of Crime No.540 of 2023 before the concerned Magistrate.

[d] the petitioner shall not abscond either during investigation or trial.

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

[f] 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



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of Kerala [(2005)AIR SCW 5560].

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

24.01.2024

ata

C.V.KARTHIKEYAN. J.

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To

1.The Judicial Magistrate I, Udumalpet.

2.The Sub-jail, Udumalpet.

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3.The Inspector of Police,
Thiyagadurgam Police Station,
Kallakurichi District.

4.The Public Prosecutor,
High Court of Madras.

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