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Crl.O.P.No.3369 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

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

Crl.O.P.No.3369 of 2024

1. Ashok Kumar

2. Rajasekar

... Petitioners

Vs.

The State Represented by,
represented by The Inspector of Police,
City Crime Branch, Salem City
in Crime No. 30 of 2023
Salem District

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.30 of 2023 on the file
of the respondent.

For Petitioners : Mr.Sanjay N Gandhi

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 07.11.2023, for the offences registered under Sections 420 and



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506(i) of I.P.C, in Crime No.30 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that A1 had received a sum of Rs.21,00,000/- from the defacto complainant stating that she will arrange loan with subsidy from TAHDCO and thereafter failed to secure the loan. However, re-paid a sum of Rs.7,00,000/-. There is a dispute with regard to balance amount of Rs.14,00,000/- . Hence the compliant.

3. The learned counsel for the petitioners submitted that these two petitioners are only drivers and receivers of the amount. Hence, prays to grant bail to the petitioners

4. The learned Government Advocate for the respondent submitted that charge sheet has been filed and the same was taken on file in C.C.No.134 of 2024 before the learned Judicial Magistrate No.II, Salem.

4.Taking into consideration the period of incarceration and considering the specific overt act against these petitioners, I am inclined to grant bail to the petitioners subject to the following conditions:

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



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learned **Judicial Magistrate No.II, Salem** 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 petitioners shall report before the respondent Police for a period of two weeks and thereafter, report before the trial Court, on every Monday, apart from the Court hearing dates,

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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].

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

19.02.2024

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To

- 1.The **Judicial Magistrate No-II, Salem**
2. The Inspector of Police,
City Crime Branch, Salem City
in Crime No. 30 of 2023
Salem District.
- 3.The Central Prison, Salem
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN, J.

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