



Crl.O.P.No.5826 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

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

Crl.O.P.No.5826 of 2024

S.Thangavel

..Petitioner

Vs.

State represented by
The Inspector of Police,
Pallapatty Police Station,
Salem District.
(Crime No.42 of 2024).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.42 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.Prakash Raj

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

ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 01.02.2024 for the offences registered by the respondent



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Police under Section 420 and 506(i) IPC, in Crime No.42 of 2024 on the file of the respondent, seeks bail.

2.A2 is the son of this petitioner. It is stated that the accused had received a sum of Rs.12,00,000/- from the defacto complainant promising to give a job in the Sub Registrar Office. They did not give a job and they did not return the money. When the money was demanded, they had threatened the defacto complainant.

3.It is stated that A2 had issued a cheque for Rs.12,00,000/- and also issued a acknowledgement in the stamp paper.

4.A2 is still absconding and he had filed an application seeking anticipatory bail before the Sessions Court, Salem. A3 and A4 are filed anticipatory bail application before this Court.

5.Taking the period of incarceration into consideration and also of the fact that the defacto complainant had also received a cheque for a sum of Rs.12,00,000/-, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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



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

[c] It is made clear that this order should not be cited as precedent in the application seeking anticipatory bail by A2 which is pending before the Principal Sessions Court, Salem.

[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 of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can



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be registered under Section 229A IPC.

20.03.2024

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To

- 1.The Judicial Magistrate No.II, Salem.
- 2.The Principal Sessions Judge, Salem.
3. The Central Prison, Salem.
- 4.The Inspector of Police,
Pallapatty Police Station,
Salem District.
- 5.The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN. J.

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