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Crl.O.P.No.26920 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26920 of 2024

Manikandan

...Petitioner/Accused 1

Vs.

The Inspector of Police,
Karipatty Police Station
Salem District
(Crime No.599 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Cr.No. 599 of 2024 on the file of the respondent police.

For Petitioner : Mr. M.Arun

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)

ORDER



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The petitioner, who was arrested on 04.09.2024 and remanded to judicial custody on the same day for the offences under Sections 420, 468 and 471 of IPC, in Crime No. 599 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the owner of the bakery from which the first accused has promised to get orders from other persons and also assured to do partnership business of cattle feeds and thereby obtained Rs.20,00,000/- from the defacto complainant and obtained Rs.10,00,000/- from the brother of the defacto complainant and he gave cheque and the same was bounced and no orders were placed by the accused and the defacto complainant has lost the above said sum. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case and he is a law-abiding citizen and he is ready to furnish substantial sureties for his



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due release on bail; therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) objected for granting bail to the petitioner stating that there are totally two accused and this petitioner has been arrayed as A-1 and the defacto complainant is the owner of the bakery from which the first accused has ordered sweets worth about Rs.20,00,000/- and he gave cheque and the same was bounced and the goods was also not taken and the defacto complainant has lost the above said sum and there is no previous case against the petitioner.

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

6. Considering the submissions made on both sides, considering the nature of allegations levelled against the petitioner, there is a money dispute pending between the parties on contractual obligations and also taking into consideration the period of incarceration undergone by the petitioner and also the petitioner has no previous case, this Court is inclined to grant bail to the petitioner with certain conditions:



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[a]. Accordingly, the petitioner is ordered to be released on bail on his executing 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 court of *District Munsif cum Judicial Magistrate, Vazhapadi, Salem District* and on further conditions that:

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

[c] The petitioner shall attend in accordance with the conditions of the bond;

[d] The petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[e] The petitioner shall not abscond either during investigation or trial;

[f] the petitioner shall not directly or indirectly make any



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inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with evidence;

[g] 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]; and

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

28.10.2024

vsg

P.DHANABAL, J.

vsg



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To

1. District Munsif cum Judicial Magistrate, Vazhapadi, Salem District.
2. District Prison, Attur, Salem District.
3. The Inspector of Police,
Karipatty Police Station
Salem District
4. The Public Prosecutor,
High Court of Madras.

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