



CRL OP(MD). No.369 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Muruganatham

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Palaviduthi Police Station,
Karur District.
Crime No.236/2023..

... Respondent/Complainant

For Petitioner : M/s.Joseph Jerry.A,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.236/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on



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19.12.2023 for the offence punishable under Sections 294(b), 419, 420 and 506(ii) IPC

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in Crime No.236 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner induced the defacto complainant to give a sum of Rs.1,50,000/- to the Tahsildar, Kadavur for getting patta, however, the petitioner cheated him and threatened him with dire consequences . Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 19.12.2023. However, on instructions, he would further submit that the petitioner is ready to deposit a sum of Rs.1,00,000/- before the trial Court without prejudice to his rights and contentions and the trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, he is entitled for refund of the said amount. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is yet to be completed.

5. Heard the learned counsel on either side.



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6. Considering the facts and circumstances of the case and the period of incarceration and the fact that the petitioner is ready to deposit a sum of Rs.1,00,000/- before the trial Court without prejudice to his rights and contentions, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. 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 **learned Judicial Magistrate No.I, Karur,** 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 deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only)** to the credit of Crime No.236 of 2023, before the learned Judicial Magistrate No.1, Karur, without prejudice to his rights and contentions, within a period of two weeks from the date of receipt of a copy of this order. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, he is entitled for refund of the said amount;



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(c) the petitioner is directed to appear before the respondent police daily at 10.30 a.m., until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond 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]*; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/01/2024

/ TRUE COPY /

10/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB
TO

1 JUDICIAL MAGISTRATE NO.1
KARUR



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2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, KULITHALAI, KARUR DISTRICT.

4 THE INSPECTOR OF POLICE
PALAVIDUTHI POLICE STATION,
KARUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.JOSEPH JERRY, Advocate (SR-488[I] dated 10/01/2024)

ORDER
IN

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Date :10/01/2024

SS/SAR- /10/01/2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023