



CRL OP(MD). No.501 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Muthuraja,

... Petitioner/ Accused No.4

Vs

The Inspector of Police,
District Crime Branch Police Station,
Tirunelveli District,
Crime No.17/2023.

... Respondent/ Complainant

For Petitioner : M/s Sekar.N,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.17/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/ Accused No.4, who was arrested and remanded to judicial custody



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on 20.11.2023 for the alleged offence punishable under Sections 109, 120B, 408, 420, 465, 468 and 477A of I.P.C. in Crime No.17 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was working as an employee in Kosamattam Finance and as per the instructions of the Branch Manager (Accused No.1), the petitioner had received bags from him and handed over the same to Accused Nos.2 and 3. On 16.11.2023, when the officials of Kosamattam Finance conducted an enquiry, wherein, they found that Accused No.1 who conspired with Accused No.2, who is the owner of the Natraj Finance and Accused No.3, who is the wife of the Accused No.2, shifted gold to Nataraj Finance from Kosamattam Finance. Hence, the defacto complainant lodged a complaint before the respondent Police and the respondent Police registered a case against the petitioner and other accused persons.

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 is in judicial custody from 20.11.2023 and hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent

Police would submit that Accused Nos.1, 2, 3 and 5 were released on bail. He would



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further submit that the gold yet to be recovered.

5. Considering the facts and circumstances of the case and also considering the fact that the co-accused have already been enlarged on bail, 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 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, Tirunelveli District 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 is directed to appear before the respondent Police daily at 10.30 A.M., until further orders;

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

(d) the petitioner shall not abscond 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 petitioner in accordance with

law as if the conditions have been imposed and the petitioner released on bail by the

<https://www.mhc.tn.gov.in/judis>



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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;

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

sd/-
11/01/2024

/ TRUE COPY /

11/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

- 1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
TIRUNELVELI DISTRICT,



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

+1 CC to M/s.A.NARESH PRABU, Advocate (SR-568[I] dated 11/01/2024)

ORDER
IN
CRL OP(MD) No.501 of 2024
Date :11/01/2024

PKP/SAR- /11.01.2024/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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