



CRL OP(MD). No.2307 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2307 of 2024

Thenpandiyan

... Petitioner/ Accused Rank unknown

Vs

The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
(Crime No.158/2023).

... Respondent/ Complainant

For Petitioner :Mr.A. Joseph Jerry,
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.158 of 2023 on the file of the respondent police



CRL OP(MD). No.2307 of 2024

ORDER : The Court made the following order :-

WEB COPY

The petitioner / Accused-Rank non known, who was arrested and remanded to judicial custody on 02.12.2023 for the alleged offence punishable under Sections 364(A) of I.P.C. @ 395, 364(A) IPC @ 395, 364(A), 120(b) IPC in Crime No.158 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner conspired with other accused persons and kidnapped the defacto complainant and committed dacoity of Rs.45,00,000/-. 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 he is in prison for more than 78 days and the petitioner has paid the substantial amount and he has not paid the balance amount of Rs.17,00,000/-. He would further submit that, now, the petitioner, without prejudice his rights, is ready to deposit a sum of Rs.3,00,000/- to the defacto complainant. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent

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



CRL OP(MD). No.2307 of 2024

Police would submit that out of Rs.45,00,000/-, Rs.27,50,000/- was recovered and the balance amount was not recovered from the accused persons. He would further submit that the earlier bail application filed by the petitioner was dismissed by this Court on 31.01.2024 and he vehemently opposed for grant of bail to the petitioner herein.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner has already paid the substantial amount and considering the period of incarceration suffered by the petitioner and also considering the change in circumstances of the case, this Court is inclined to grant bail to the petitioner with certain 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, Karaikudi and on further conditions that:

(a) As per the undertaking given by the petitioner, the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.158 of 2023 before the learned Judicial Magistrate, Karaikudi and on such deposit, the learned Judicial Magistrate shall disburse the same to the defacto complainant after



CRL OP(MD). No.2307 of 2024

WEB COPY

obtaining a proper affidavit. In the event of petitioner succeeds in the criminal case, the petitioner will be entitled for the refund of the said amount.

(b). 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;

(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



CRL OP(MD). No.2307 of 2024

in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

WEB COPY

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

sd/-
19/02/2024

/ TRUE COPY /

19/02/2024
Sub-Assistant Registrar (CO)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1. The Judicial Magistrate, Karaikudi
 2. Do-Through The Chief Judicial Magistrate, Sivagangai District.
 3. The Officer in charge, District Prison, Ramnad.
 - 4.The Inspector of Police,
Kundrakudi Police Station, Sivagangai District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.A.JOSEPH JERRY, Advocate (SR-2015[I] dated 19/02/2024)

ORDER
IN

CRL OP(MD) No.2307 of 2024
Date :19/02/2024

RK/ (19/02/2024) 5P / 7C

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