



CRL OP(MD). No.3894 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.3894 of 2024

Murugan

... Petitioner /Sole Accused

Vs

The Sub-Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
Crime No.44 of 2024..

... Respondent/Complainant

For Petitioner : Mr.A.Balaji
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in Crime No.44 of 2024 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial



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custody on 17.02.2024 for the offence punishable under Section 420 I.P.C. in Crime

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No.44 of 2024, seeks bail.

2. The case of the prosecution is that in the year 2012, the grandfather of the defacto complainant has given a sum of Rs.68,000/- to the petitioner, who is the goldsmith, for making gold chain, however, the petitioner neither gave the gold chain nor returned the amount to the grandfather of the defacto complainant. Since the grandfather of the defacto complainant died in the year 2012, the complaint has been made by the defacto complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the transaction between the petitioner and the grandfather of the defacto complainant took place in the year 2012, but, the defacto complainant has made a complaint in the year 2024. The respondent Police, without verifying the same, has registered the complaint against the petitioner and remanded him into judicial custody on 17.02.2024. Hence, he prays for bail.



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4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner has not returned the amount given by the grandfather of the defacto complainant for making gold chain and thereby, the defacto complainant has made a complaint before the respondent Police.

5. Heard the learned counsel on either side.

6. A perusal of the First Information Report reveals that the transaction between the petitioner and the grandfather of the defacto complainant took place in the year 2012, however, the complaint made by the defacto complainant is in the year 2024, that too, after a lapse of 12 years. Without verifying the date of occurrence, the respondent Police has mechanically registered the case. Hence, the concerned Superintendent of Police is directed to take disciplinary action against the concerned Officer, who has registered the case in Crime No.44 of 2024 and obtain explanation from the concerned Official as to why the case has been registered, when the date of occurrence is in the year 2012.

7. Considering the facts and circumstances of the case, the period of incarceration and also the fact that the transaction between the parties took place in



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the year 2012, for which, the defacto complainant has made a complaint after a lapse of 12 years (i.e.,) in the year 2024, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

8. 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, Nanguneri** 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., for a period of two weeks and thereafter, as and when required for interrogation;

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



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(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 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/-
11/03/2024

/ TRUE COPY /

11/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



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- 3 THE SUB INSPECTOR OF POLICE
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL JAIL, TIRUNELVELI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-3032[I] dated 11/03/2024)

ORDER
IN
CRL OP(MD) No.3894 of 2024
Date :11/03/2024

SS/SAR- /11/03/2024/6P/7C

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