



CRL OP(MD).No.8664 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.8664 of 2024

R.Udhaya Kumar

... Petitioner/ Accused 1

Versus

The State

Rep. by Inspector of Police,
Seethaparpanallur Police Station,
Tirunelveli District.

Cr.No.115 of 2024

... Respondent/Complainant

For Petitioner : Mr.S.VISHNUVARDHAN
Advocate

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.115 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner in Crime No.115 of 2024 for the offence under Section 397 IPC and remanded him into judicial custody on 23.05.2024. Therefore, the petitioner has filed this petition seeking bail.

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2. The case of the prosecution is that the defacto complainant wanted to buy a car, for which, he contacted his friend and through him, he got in touch with the petitioner/A1 and A1 has proposed him an Baleno car. A1 has also asked the defacto complainant to come to Manomaniam University, Pettai. Thereafter, A1 along with other accused persons came there in a Bolero car, took the defacto complainant along with his friend one Muthu, to a secluded place and forcibly made him to pay a sum of Rs.1,40,000/- through G-pay and has also taken away his two-wheeler. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. In fact, the defacto complainant has borrowed a sum of Rs.2,00,000/- from the petitioner/A1, but, he has failed to repay the said amount and in order to evade the payment, he has lodged this false complaint against the petitioner and the petitioner is languishing in jail from 23.05.2024. He further submits that the co-accused has already been released on bail by this Court in CrI.O.P.(MD)No.8135 of 2024, on 05.06.2024. Therefore, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor opposes for grant of bail on the ground that the investigation is yet to be completed.

5. Considering the nature of offence, the period of incarceration and also



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considering the fact that the co-accused has already been released on bail in CrI.O.P. (MD)No.8135 of 2024, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail

i) on the petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Alangulam.

ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

iii) The petitioner shall appear before the respondent Police daily at 10.30 a.m. until further orders. He has to co-operate for the investigation.

iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

v) On violation of any of the above conditions by the petitioner,



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bail.

the respondent police shall move an application for cancellation of the

sd/-
13/06/2024

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13/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY
TO

1 THE JUDICIAL MAGISTRATE,
ALANGULAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI,
THOOTHUKUDI DISTRICT.

4 THE INSPECTOR OF POLICE,
SEETHAPARPANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

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

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ORDER
IN
CRL OP(MD) No.8664 of 2024
Date :13/06/2024

SA/SAR. /13.06.2024/5P/6C

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