



CRL OP(MD). No.11064 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.11064 of 2024

Kalidass

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
Crime No. 110/2023

... Respondent/ Complainant

For Petitioner : Mr.G.D.Manikandan, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR BAIL UNDER SEC 483 of BNSS

PRAYER :-

To release the petitioner on bail in C.C.No.274 of 2023 on the file of the Learned Judicial Magistrate, Karaikudi.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 11.05.2023 for the offences punishable under Sections 406, 420, 294(b) and 506(ii) IPC in crime No.110 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein and other accused committed the offence of criminal breach of trust to the defacto complainant and cheated a sum of Rs.16,88,000/- from him and also abused him in filthy language.



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Hence, the complaint.

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3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that co-accused already released on bail and the petitioner is in judicial custody from 11.05.2023, hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that this Court already granted bail to the petitioner in CrI.O.P(MD).No.11146 of 2023, dated 22.06.2023, but, the petitioner has not complied condition imposed by this Court to deposit the amount before the trial Court and hence, he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and that the co-accused already released on bail, this Court is inclined to grant bail to the petitioner on certain conditions.

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

(i) the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall appear before the concerned Court on each and every hearing date without fail;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial.

(v)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].

(vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
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22/07/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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TO

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1 THE JUDICIAL MAGISTRATE, KARAIKUDI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT JAIL, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE, KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.G.D.MANIKANDAN, Advocate (SR-8242[I] dated 22/07/2024)

ORDER

IN

CRL OP(MD) No.11064 of 2024

Date :22/07/2024

RS//SAR-(22.07.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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