



CRL OP(MD). No.12229 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31/07/2024

PRESENT

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

CRL OP(MD). No.12229 of 2024

Mathankumar

... Petitioner/5th Accused

Vs

The Inspector of Police,
DCB, Theni,
Theni District.
(Crime No. 11/2024.)

... Respondent/Complainant

For Petitioner : M/s.Raja M A M, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 11 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on
01.07.2024 for the offences punishable under Sections 417, 420, 120(B), 294(b) and



CRL OP(MD). No.12229 of 2024

506(i) of IPC, in Crime No.11 of 2024 on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the defacto complainant is working as Branch Manager in TVS Credit Services Ltd., The Gowmariamman Tractor at Theni, had entered into an agreement with the defacto complainant finance company. One Chandramohan, Karthick andn Saranya are the partners and one Balamurugan and the petitioner are the employee of the Sri Gowmariamman Tractor. As per the agreement, the defacto complainant finance company sanctioned a sum of Rs.17,79,942/- for purchasing 3 Tractors to the 3 customers, who were already paid the advance amount of Rs.2,10,000/- each to the Sri Gowmariamman Tractors. However, Sri Gowmariamman Tractors had not sent the registration records pertaining to the three vehicles for a long time. Thereafter, the defacto complainant came to know that the accused persons sold the vehicles to other persons. Thereby, they cheated the defacto complainant's finance company. Hence, the case.

3.The learned counsel for the petitioner the petitioner is innocent and he has not committed any offence as mentioned in the FIR. He would further submit that the co-accused were already released on bail and the petitioner is in judicial custody from 01.07.2024 and hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the accused persons colluded together changed the chassis number of the vehicles and sold the



CRL OP(MD). No.12229 of 2024

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same to the some other persons. The investigation is in preliminary stage and the petitioner is having 1 previous case similar in nature. However, he fairly conceded that the co-accused were already released on bail.

5.Considering the considering the period of incarceration and also considering the fact that the co-accused were 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, Theni.

(i)the sureties shall affix their photographs and left thumb impression in the 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 deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) to the credit of Crime No.11 of 2024 without prejudice to his right before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(iii)the petitioner shall report before the respondent police weekly once i.e., every Saturday at 10.30 a.m., until further orders;



CRL OP(MD). No.12229 of 2024

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

v)the petitioner shall not abscond during trial.

vi)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].

vii)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
31/07/2024

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31/07/2024
Sub-Assistant Registrar (A.E.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1.The Judicial Magistrate,
Theni.

2.Do through the Chief Judicial Magistrate,
Theni District.



CRL OP(MD). No.12229 of 2024

3.The Inspector of Police,
DCB, Theni,
Theni District.

4.The Officer Incharge,
District Prison, Theni.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.12229 of 2024
Date :31/07/2024

ED/ /SAR- (31/07/2024) 5P / 6C

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