



CRL OP(MD). No.15409 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15409 of 2024

1. Ganesan,

2. Kalyani,

... Petitioners/ Accused Nos.1&2

Vs

The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli.
Cr.No.185 of 2024..

... Respondent/ Complainant

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

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

For Intervenor : Mr.C.Sasikumar, Advocate

PETITION FOR BAIL UNDER SECTION 483 OF BNSS

PRAYER :-

For Bail in Crime No.185 of 2024 on the file of the respondent police.

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



CRL OP(MD). No.15409 of 2024

ORDER : The Court made the following order :-

The petitioners/ A1 & A2, who were arrested and remanded to judicial custody on 31.07.2024 for the offences punishable under Section 420 of IPC, in Crime No.185 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant is an agriculturist. In the year 2017, the petitioners received a sum of Rs.6,00,000/- from the defacto complainant by promising to purchase a property of one Jayapaul. Thereafter, they neither fulfilled the promise nor returned the money. Hence, the complaint.

3. Heard both sides.

4.Considering the nature of the allegations that the petitioner after obtaining the amount of Rs.6,00,000/- from the defacto complainant promising to arrange for the purchase of property from one Jayapaul, neither fulfilled the promise nor returned the money and considering the fact that the petitioners are in prison from 31.07.2024 and considering the submissions made on behalf of the learned counsel for the petitioners that without prejudice their contentions, they will deposit a sum of Rs.1,50,000/- to the credit of the crime number after enlarging on bail, this Court is inclined to grant bail to the petitioners subject to the following conditions:

5.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees



CRL OP(MD). No.15409 of 2024

Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nanguneri.

(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) As per the undertaking given by the petitioners, the petitioners shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand Only) to the credit of the Crime No.185 of 2024, without prejudice to their rights and contentions before the trial Court within a period of 15 days after enlargement on bail. If the petitioners fail to comply with the condition as per the undertaking given by them, the respondent police shall bring the same to the notice of this Court;

(iii) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



CRL OP(MD). No.15409 of 2024

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/-
19/09/2024

/ TRUE COPY /

19 / 09 / 2024

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

DSS

TO

1 THE JUDICIAL MAGISTRATE
NANGUNERI.

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

3 THE SUPERINTENDENT,
SUB JAIL, KOKKIRAKULAM.

4 THE INSPECTOR OF POLICE
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI.

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



WEB COPY



CRL OP(MD). No.15409 of 2024

ORDER
IN
CRL OP(MD) No.15409 of 2024
Date :19/09/2024

PSP/ /SAR /19.09.2024/ 5P/ 6C

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