



CRL OP(MD). No.16354 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16354 of 2024

Muthudivya

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep By, The Inspector of Police,
Theni Police Station,
Theni.

(Crime No.292 of 2024)

... Respondent/Complainant

For Petitioner : M/s.K.Anandan, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.292 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 18.07.2024 for the offences punishable under Sections 294(b), 406, 420 and 506(i) IPC in Crime No. 292 of 2024 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner and other accused by giving a false promise to arrange loan without interest from Private Finance Company, if the defacto complainant deposits a sum of Rs.20,00,000/- through Bank and cash to the petitioner. Thereafter, the petitioner did not arrange loan and thereby cheated the defacto complainant. Hence, the case.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

4. Considering the nature of allegations that believing the petitioners the defacto complainant handed over a sum of Rs.17,50,000/- on promise that they will get a loan without interest and considering the fact that the petitioner was in custody from 18/7/2024, I am inclined to enlarge the petitioner on bail.

5. 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;



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(ii)the petitioner shall appear before the respondent Police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for interrogation;

(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 229-A IPC.

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27/09/2024

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27/09/2024

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

TRP

To

1.The Judicial Magistrate,
Theni.



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

3.The Inspector of Police,
Theni Police Station, Theni.

4.The Officer Incharge,
Women Jail, Nilakottai.

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

+1 CC to M/s.K.ANANDAN, Advocate (SR-11894[I] dated 27/09/2024)

ORDER
IN

CRL OP(MD) No.16354 of 2024

Date :27/09/2024

ED/ /SAR- (27/09/2024) 4P / 7C

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