



CRL OP(MD)No.17179 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.17179 of 2024

Aravindhan

... Petitioner/ Accused A-1

Vs

The Inspector of Police,
DCB Police Station,
Theni.

Crime No.11/2023.

... Respondent/ Complainant

For Petitioner : Mr.M.Venkadeshnan,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.11/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/ Accused, who is arrested and remanded to judicial custody on

09.07.2024 for the offence punishable under Sections 417, 468, 471, 420, 120(B), 294(b),

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



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506(i) r/w. Section 34 of IPC, in Crime No.11 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioner cheated the defacto complainant to the tune of Rs.22,00,000/- with reference to a transaction of buying a car. Hence, the complaint.

3.Heard the learned counsel on either side and perused the material records of the case.

4.The allegations in this case is that the petitioner is said to have cheated the defacto complainant to the tune of Rs.22,00,000/- with reference to a transaction of buying a car. The petitioner was arrested on PT warrant on 09.07.2024 and was in custody. It can be seen that all the witnesses P.W.1 to P.W.8 have already been examined and cross-examined and the trial is almost completed. Considering the fact that the petitioner need not be released on bail, this Court ascertained the stage of the case.

5.The learned counsel for the petitioner would submit that in spite of co-operation by the learned Counsel for the petitioner, it is the prosecution which is dragging on the matter. On the said representation, when this Court asked for specific reason for the prosecution to file an application to re-open the case, it is represented by the learned Additional Public Prosecutor that they wanted to mark



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the report from the RTO office. The learned Counsel for the petitioner further submitted that if the purpose is mentioned in the application, they will say no objection. On such representation, this Court gave two opportunities for the prosecution to file only an additional memo, indicating what additional documents they are going to mark. In spite of repeated opportunities being granted by this Court, the said exercise is not undertaken. It seems that the Investigation Officer and the Assistant Public Prosecutor concerned have decided to enlarge the petitioner on bail.

6. In view of the fact that in spite of repeated adjournment being granted by this Court, the said exercise is not undertaken and the plea of the learned Counsel for the petitioner that the petitioner is a permanent resident of Coimbatore and will not flee justice and already there are findings in his favour in the cross-examination and he will attend the case regularly, I am inclined to enlarge the petitioner on bail with certain conditions.

7. 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



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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 report before the trial Court on all hearings without fail.

It is made clear that if the petitioner abscond, the bail granted by this Court will be cancelled;

(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/-
23/10/2024

/ TRUE COPY /

23/10/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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JBR

TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE INSPECTOR OF POLICE,
DCB POLICE STATION,
THENI.

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

+1 CC to M/s.P.PANDIARAJAN, Advocate (SR-12969[I] dated 23/10/2024)

ORDER IN
CRL OP(MD) No.17179 of 2024
Date :23/10/2024

SA/SAR. /23.10.2024/5P/7C

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