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CRL OP(MD). No.17400 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2024

PRESENT

The Hon`ble Mr.Justice K. RAJASEKAR

CRL OP(MD). No.17400 of 2024

Sekar Babu

... Petitioner/2nd Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Theni Police Station,
Theni District.
Crime No.330/2024.

... Respondent/Complainant

For Petitioner : Mr.A. Joseph Jerry, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime no.330/2024 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 15.08.2024 for the offences punishable under Sections 316(2), 318(4) BNS Act @ 316(2), 318(4) & 180 BNS Act comparative of Sections 406, 420 and 215 of IPC in Crime No. 330 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner joined hands with the



CRL OP(MD). No.17400 of 2024

other accused persons requested the defacto complainant to exchange the old notes of Rs.2,000/- into Rs.500/- and offered him to give good commission. Believing their words, the defacto complainant gave Rs.10,75,000/- to the accused persons. After receiving the said amount, the accused persons did not return the old notes to the defacto complainant and cheated him. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. In this case entire amount recovered from all the accused persons. The petitioner is in custody from 15.08.2024. Though he has one previous case, he has been released on bail as per the order of this Court in Crl.O.P.No.23466 of 2024, dated 03.10.2024. Hence, prays to release him on bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner is having one previous case of similar modus operandi. Though entire amount has been recovered from the accused persons, considering the nature of offence, prays to dismiss the petition.

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

6.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, the entire amount recovered



CRL OP(MD). No.17400 of 2024

from the accused persons and the petitioner has been enlarged on bail in the previous case, this Court is inclined to grant bail to the petitioner on 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.15,000/- (Rupees Fifteen 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 report before the respondent police daily at 10.30 a.m., until further orders;

(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



CRL OP(MD). No.17400 of 2024

Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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09/10/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT PRISON, THENI.

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

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



CRL OP(MD). No.17400 of 2024

+1 CC to M/s.A.JOSEPH JERRY, Advocate (SR-12335[I] dated 09/10/2024)

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ORDER
IN
CRL OP(MD) No.17400 of 2024
Date :09/10/2024

SA/SAR. /09.10.2024/5P/7C

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