



CRL OP(MD). No.20709 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Mohammed Sajjath

... Petitioner/ Accused 1

Vs

The State of Tamil Nadu,
Rep By, The Inspector of Police,
Cumbum North Police Station,
Theni District.
Cr.No.266 of 2023.

... Respondent/Complainant

For Petitioner : Mr.S.Ramu, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Cr.No.266 of 2023 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 30.10.2024 for the offences under Sections 406, 420 of IPC in Crime No.266 of 2023 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the accused persons were running a Vegetable shop. They have received money from the defacto complainant and 4 others on various dates to the tune of Rs.66,31,500/- with a promise to make them as partners in the business and to share the profit. It is alleged that the accused persons did not give any share on the profit and they also did not return back the money to the defacto complainant. There are totally 3 accused persons and the petitioner has been arrayed as A1.

3.The learned counsel for the petitioner submitted that money transaction is involved in this case and that the petitioner had suffered incarceration from 30.10.2024.

4.The learned Additional Public Prosecutor submitted that the petitioner had filed a petition for anticipatory bail before this Court along with A2 in Crl.O.P (MD) No.22334 of 2023 and anticipatory bail was granted with a condition to deposit a sum of Rs.20 lakhs. This condition was not complied with and hence, the petitioner was arrested on 30.10.2024. A2, who obtained anticipatory bail also did not comply with the condition and he along with A3 are now absconding. The learned Additional Public Prosecutor submitted that the entire payment was made through bank transactions and Google Pay.

5. Heard the learned counsel appearing for the petitioner and the learned



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Additional Public Prosecutor appearing for the respondent.

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6. Taking into consideration the facts and circumstances of the case and considering the fact that entire payment is borne out by bank entries and Google Pay and the petitioner has suffered incarceration from 30.10.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the criminal original petition is ordered 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 Uthamapalayam, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned



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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];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

sd/-
27/11/2024

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27/11/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, UTHAMAPALAYAM.

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

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

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ORDER
IN
CRL OP(MD) No.20709 of 2024
Date :27/11/2024

SA/SAR. /27.11.2024/5P/6C

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