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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 14/08/2023

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP(MD)No.14631 of 2023

Vinothkannan : Petitioner/A2

Vs.

The State through,
The Inspector of Police,
Pallathur Police Station,
Sivagangai District.
(Crime No.63 of 2023)

: Respondent/Complainant

For Petitioner : M/s.A.Arul Jenifer
for M/s.KBS Law office

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For Intervenor : Mr.T.Veerakumar

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER:- For Bail in Crime No.63 of 2023 on the file
of the Respondent Police.

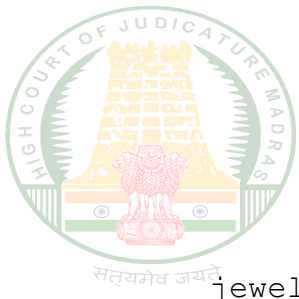
ORDER: The Court made the following order:-



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The petitioner/A2, who was arrested and remanded to judicial custody, on 12/07/2023 for the offences punishable under sections 420, 294(b), 323, 506(ii) IPC and section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.63 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that the accused namely Rajesh Kanna and his brother Vinoth Kannan were related to her. In the month of May 2022, both of them approached her stating that a land is coming for sale and if she is willing to purchase the same, they can make arrangement. But she replied that she is not interested. But however, continuous pressure was made by the accused persons. Because of the above said continuous pressure, instead of money, she handed over 22-1/2 sovereigns of gold jewels for raising money. It was handed over to the above said Vinoth Kannan and verified by Rajesh Kanna. But as promised, they did not receive the money by pledging the same. But delayed either repayment or arrangement of purchase of the property. On 16/03/2023 at about 06.00 pm, instead of returning the above said

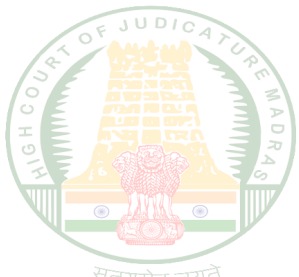


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jewelry, both of the them came there and picked up quarrel, abused not only the de-facto complainant, but also her sister. They also tried to attack her. On the basis of the above said occurrence, a case in Crime No.63 of 2023 was registered for the offences stated above.

3.Both of them were arrested and remanded to judicial custody. A1 namely Rajesh Kanna was released on bail. But so far as this petitioner is concerned, the bail application that was filed by the petitioner came to be dismissed by the trial court and the Principal Sessions Judge, Sivagangai, dated 07/08/2023.

4. Seeking bail, this petition has been filed by the petitioner on the ground that even as per the allegations mentioned in the FIR, the jewels were handed over to A1. When A1 moved bail application, there was no objection on the side of the de-facto complainant, who came on record now. But they are making severe objection, while entertaining the bail application filed by the petitioner, not only before the trial court, but also the Principal Sessions Court and before this court also. According to him, some sort of illegal intimacy exists



between the de-facto complainant and A1. That was condemned by this petitioner. That is the reason for making objection.

5.Per contra, the learned Additional Public Prosecutor would submit that this petitioner along with A1 received the jewels, which was pledged in the name of this petitioner. So unless the above said pledged jewels are redeemed and handed over to her, no bail should be granted.

6.It is also submitted by the petitioner to the effect that the above said jewels belongs to him, were pledged by him in his own name.

7.But the learned counsel appearing for the de-facto complainant would submit that even at the time of verification of the jewels by the Investigating Officer with the Bank namely ICICI Bank, she has given the details as well as the identification of the jewels. So according to her, the above said jewels absolutely belongs to her. She has also produced the photographs showing the identification of the above said jewels.

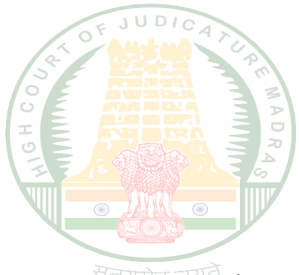


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8.To whom the above said jewels belongs is a matter for consideration by the Investigating Officer. But when A1 is enlarged on bail, there is no need to extend the judicial custody of A2. Depending upon the above said investigation, if the final report is filed, the de-facto complainant can work out her remedy through appropriate proceedings. Not only that, she is at liberty to initiate civil proceedings also. There can be no bar for initiating civil proceedings for recovery of the above said jewels, apart from that criminal investigation.

9.So I find no reason to reject this bail petition. The petitioner shall cooperate with the respondent police for the completion of the investigating process. At that time, both the de-facto complainant and the petitioner must produce the documents or evidence showing the ownership of the jewels.

10.In view of that, this court is inclined **to grant bail** to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties each for a



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like sum to the satisfaction of the learned Judicial Magistrate, Karaikudi, Sivagangai District and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders.

14/08/2023

Index:Yes/No
Internet:Yes/No

To,

- 1.The Judicial Magistrate,
Karaikudi,
Sivagangai District.
- 2.The Inspector of Police,
Pallathur Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Sub Jail,
Thirupathur.



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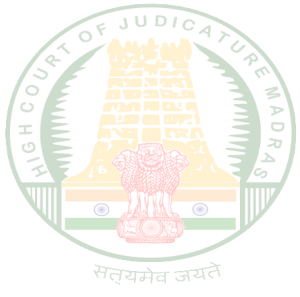
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G. ILANGOVAN, J

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