



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

Tuesday, the Thirty First day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5348 of 2015

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KARUPPASAMY

... PETITIONER/ACCUSED No.4

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

TALUK POLICE STATION, ARUPPUKOTTAI,

VIRUDHUNAGAR DISTRICT.

CR. NO. 189/2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.THANGAPANDIAN Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 10.02.2015 for the offence punishable under Section 420 IPC, in Crime No.189 of 2014, on the file of the respondent police, seeks bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondent.

3. The respondent police have filed a status report, in which, in paragraph Nos.3 and 4, it is stated as follows:

"3. It is submitted that, one Tmt.Sathiyabama, *defacto* complainant alleged that, 4 accused including this petitioner had conducted an advertising meeting for canvassing their real estate business in the year of January, 2012. They promised in the meeting that, as they have doing real estate business in proper way and the having housing plots in various places of Thoothukudi and others Districts. They also informed that sale rate Rs.50,000/- per plot. The *defacto* complainant had paid Rs.12,60,000/- on proper receipt for purchasing plot from them. But the accused did not execute sale deed to the petitioner for the amount. So, she lodged the complaint before the Judicial Magistrate Court, Aruppukottai and it was forwarded to Aruppukottai Taluk Police Station. So, the case was registered in Cr.No.189/14 u/s.420 IPC.

4. It is submitted that investigation reveals this petitioner/A-4 Karuppusamy one of the main partner and also one of the founder of the G.K. Win realtors private Limited. The petitioner has also participated in real estate advertising meeting at Aruppukottai along with other accused of this case. In this meeting and all other occasions, he had been introduced him, he is one of the



main partner and also founder of the G.K. realtors private Ltd, he had also induced the defacto complainant and other witnesses in all occasions for investing in their real estate group."

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4. It is seen that totally a sum of Rs.12,60,000/- has been defrauded by this petitioner along with A-1, A-2 and A-3.

5. The learned counsel for the petitioner submitted that A-2 was granted anticipatory bail in CrI.O.P.(MD)No.16029 of 2014 on 12.01.2015. But though A-2 was granted anticipatory bail, this Court dismissed the anticipatory bail applications for Rajendran (A-1) and Gomathikumar (A-3) in CrI.O.P.(MD)No.16106 of 2014, dated 12.01.2015, by a well considered order, by holding that the allegations against them are indeed very serious.

6. It is represented that Rajendran (A-1) and Gomathikumar (A-3) are absconding. It is also represented that the investigation has been completed and final report has been filed against four accused showing Rajendran (A-1) and Gomathikumar (A-3) as absconding accused.

7. Since this petitioner is not the principal accused and that he has been in incarceration since his arrest on 10.02.2015, this Court is of the view that it will serve the interest of justice, if bail is granted to the petitioner.

8. 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 like sum to the satisfaction of the learned Judicial Magistrate, Aruppukottai, and on further condition that:

[a] the petitioner shall appear before the respondent police every day at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

[e] The Inspector of Police concerned is directed to send a compliance report to the Office of the learned Government Advocate (Criminal side), whether the petitioner is complying with the order or not.

sd/-

31/03/2015

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
ARUPPUKKOTTAI.

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2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
SUB JAIL, ARUPPUKKOTTAI.

4 THE INSPECTOR OF POLICE
TALUK POLICE STATION, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.M.THANGAPANDIAN Advocate SR.No.16073

ORDER
IN
CRL OP(MD) No.5348 of 2015
Date :31/03/2015

PA/01.04.2015/3P/7C