

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

Friday, the Fifth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9474 of 2019

S.RAJEEV GANDHI

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.229/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.M.KARUNAKARAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

1.This petition has been filed by the sole Accused, seeking bail for the alleged offences punishable under Sections 170 and 419 I.P.C, in Cr.No.229 of 2019 on the file of the respondent Police.

2.The learned counsel for the petitioner has submitted that the petitioner is a Diploma holder in Teacher Training and he applied for the post of Office Assistant in the Office of the Public Prosecutor, High Court, Chennai and he was called upon for interview by the Office of the Public Prosecutor, High Court, Chennai on 14.02.2019 and based on the said letter, he attended the interview also and when he was waiting for orders from the Office of the Public Prosecutor, High Court, Chennai, he received a registered letter from the Principal District Judge, Trichy, in which, it is stated that he has been provisionally selected by the Tamil Nadu Public Service Commission for the post of Junior Assistant in the Judicial Department and he was allotted to the Judicial Department, Trichy District and in pursuance of the said letter, he bonafidely, joined duty on 15.04.2019. He further submitted that in the said order, it is simply mentioned as S.Rajiv Gandhi and the petitioner's name is also S.Rajiv Gandhi and hence, the petitioner has bonafidely

believed that the said appointment order was issued only to him. Therefore, he has not committed any offence. Further, it is submitted that the petitioner is in judicial custody from 31.05.2019 onwards. Hence, he prayed to grant bail to the petitioner.

3.The learned Additional Public Prosecutor has submitted that the petitioner is residing at door No.3/229, North Colony Street, Sembaiyakudi, Kulamanickam Post, Ariyalur Taluk, whereas the Principal District Judge has sent his proceedings dated 10.04.2019 to one S.Rajiv Gandhi, residing at Door No.1/140A, West Street, Kulamanickam, Ariyalur Taluk. Taking advantage of similarity in the name, the petitioner has received the said appointment letter from the Postman and joined duty before the Additional District Munsif, Lalgudi on 15.04.2019 and in the said joining report, the petitioner has not mentioned his address and on the contrary, he has mentioned the address, which has been mentioned in the appointment order. That itself shows his criminal intention. He further submitted that investigation is at initial stage and therefore, he strongly opposed this petition.

4.In the order issued by the Principal District Judge, Trichy on 10.04.2019, it is stated that one S.Rajiv Gandhi, Door No.1/140A, West Street, Kulamanickam, Ariyalur Taluk has been appointed as Junior Assistant and he has to report before the Additional District Munsif, Lalgudi on or before 15.04.2019. But, admittedly, the petitioner is residing at door No.3/229, North Colony street, Sembaiyakudi, Kulamanickam Post, Ariyalur Taluk and that being so, if he has bonafidely acted, he should have mentioned the said address in the joining report, but he has mentioned the address, which has been mentioned in the appointment order.

5.Taking into consideration of the above facts and also the fact that investigation is at initial stage, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

05/07/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION,

<https://hcservices.ecourts.gov.in/hcservices/>
TRICHY DISTRICT.

2 THE SUPERINTENDENT,
SUB-JAIL, LALGUDI.

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

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.11169

ORDER

IN

CRL OP(MD) No.9474 of 2019

Date :05/07/2019

JM/VR/SAR 4/16.07.2019/3P/5C



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