



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
DATE : 30.03.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

CRL OP(MD) . No.5814 of 2022

Peter Raja

...Petitioner/Accused No.15

vs.

The State represented by its
The Inspector of Police,
District Crime Branch Police Station,
Sivagangai.
(Crime No.2 of 2022)

... Respondent/Complainant

For Petitioner : Mr.VR.SHANMUGANATHAN,
Advocate.
For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR
Additional Public Prosecutor

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

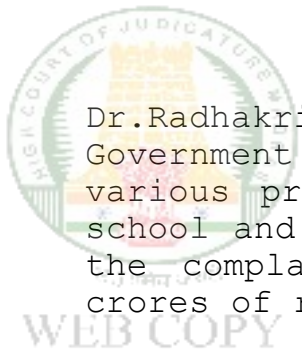
PRAYER :- For Bail in Crime No.2 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.15, who was arrested and remanded to judicial custody on 28.01.2022 for the offences punishable under Sections 406, 468, 471, 420, 120B, 294(b) and 506(1) IPC, in Crime No.2 of 2022, seeks bail.

2.The case of the prosecution is that the petitioner is a Headmaster in Ramanatha Chettiyar Government Higher Secondary School, Karaikudi, that the petitioner had organized many meetings for the Sparrow Global Trade owned by the first accused to raise investments, that the intervenor was also invited to one of such meeting, in which, many attractive real estate schemes were introduced by the company and was canvassed by the petitioner, that believing the words of the accused, the intervenor had invested a sum of Rs.6,00,000/- initially, later used to deposit money periodically through cash and also in bank accounts, that the intervenor has also advised her friends and relatives and altogether deposited a sum of Rs.12,44,22,700/- and that when the intervenor had demanded back the amount invested by herself and also by her friends and relatives, the accused had abused her in filthy language and gave life threat. Hence, the complaint.

3.The case of the petitioner is that he is also a victim of the said prime accused persons, that when he joined the said school in 2013, there were 218 students and the manner, in which, the petitioner had developed the school has made the school to have the strength of 1875 students, that the petitioner had won



Dr.Radhakrishnan award from the Government of Tamilnadu, that the Government of India has also selected him to lead Tamilnadu in various programmes, that his wife is also a Headmistress in high school and both are income tax assesses and that the contentions of the complainant/intervenor, who is also a teacher, had invested crores of rupees is quite unbelievable.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner did not gain anything wrongfully and there was no entrustment to him, that the intervenor has filed the above complaint falsely implicating the petitioner, that the petitioner is a chronic diabetic and is in judicial custody from 28.01.2022 and that therefore, the petitioner may be enlarged on bail. He would further submit that the co-accused/A6 and A7 were arrested on 29.01.2022, that thereafter, A1 to A5, A9, A10, A12 to A14 and A16 were also arrested on 30.01.2022 and that subsequently, they were granted bail by the learned Principal Sessions Judge, Sivagangai, vide order dated 29.03.2022, 16.02.2022 respectively.

5.No doubt, the petitioner's earlier bail petition was dismissed by this Court in Crl.OP(MD)No.3321 of 2022, dated 02.03.2022.

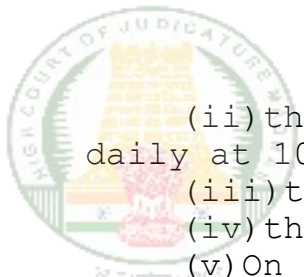
6.The learned Government Advocate (Criminal Side) would submit that the petitioner and other accused had acted as agents and collected Rs.47 lakhs as investments.

7.The learned Principal Sessions Judge, by taking note of the order passed by this Court in Crl.OP(MD)No.14139 of 2021, dated 08.10.2021 to the petitioners/accused persons in Crime No.17 of 2021 of C.C.B. Trichy, specifically with intend to enable the victim investors to submit their demand before the commission formed under the Chairmanship of Hon'ble.Justice.S.Rajeswaran, Retired Judge of Madras High Court, has granted interim bail for four weeks to A1 to A5, A9, A10, A12 to A14 and A16.

8.Considering facts and circumstances of the case and also the fact that the main accused were already released on interim bail by the learned Principal Sessions Judge and other accused were also granted bail by the learned Principal Sessions Judge and also the fact the petitioner is in judicial custody from 28.01.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

9.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivagangai.

(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



(ii) the petitioner shall report before the respondent police daily at 10.30 am 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 Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(vi) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

30/03/2022

/ TRUE COPY /

30/03/2022

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT JAIL, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION, SIVAGANGAI.

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

+1. CC to M/S.SHANMUGANATHAN.VR Advocate SR.No.2721

ORDER

IN

CRL OP(MD) No.5814 of 2022

Date : 30/03/2022

SA/PN/SAR.1/30.03.2022/3P/7C