



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

Date : 27/09/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.16760 of 2022

Rajaguru

... Petitioner/Accused No.3

Vs

1. The State Rep. By,
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(In Crime No.30/2022).

... Respondent/Complainant

2. R.Subburaj

... Intervene Petitioner/
Defacto Complainant
in CRL MP(MD) No.11693/2022

For Petitioner : M/s.Mayil Vahana Rajendran C,
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervener : Mr.M.Karuppasamy, Advocate

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

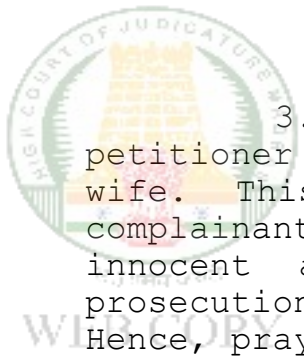
PRAYER :-

For Bail in Crime No.30/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 08.08.2022 for the alleged offence under Sections 406, 420, 120B, 506(i) IPC, in Crime No.30 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that all the accused persons conspired together to cheat the defacto complainant and induced him to invest money in the real estate. Believing their words, the defacto complainant invested a sum of Rs.10,97,500/- to the accused persons and after receiving the same, they refused to repay the amount, made life threat to the defacto complainant and also they misappropriated the same. Hence, the complaint.



3. On the side of the petitioner, it is stated the petitioner is A3, who is the brother of A1. A1, A2 are husband and wife. This petitioner has not received any amount from the defacto complainant and he only gave money to A1. This petitioner is innocent and not committed any offence, as alleged by the prosecution. The petitioner is in custody for more than 50 days. Hence, prays to release him on bail.

4. On the side of intervener, it is stated that all the accused persons colluded together and cheated money from the defacto complainant. The cheated amount was invested in the real estate business of A3. Hence, prays to dismiss the petition.

5. On the side of prosecution, it is stated that only A1, A2 induced the defacto complainant to invest money in the real estate business of A3. This petitioner is arrayed as A3. Investigation is not yet completed. Hence, prays to dismiss the petition.

6. Considering the facts and circumstances of the case, nature of the case, considering the money dispute between the parties and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

7. Accordingly, the petitioner shall pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.30 of 2022 before the trial Court, without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

8. On production of such receipt, 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 Judicial Magistrate No.IV, Tuticorin.

(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 identity;

(ii) the petitioner shall appear before the respondent Police, daily at 10.30am., 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/09/2022

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/ TRUE COPY /

27/09/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV,
TUTICORIN.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, PERAVURANI,
THOOTHUKUDI DISTRICT.
4. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-10559[I] dated 27/09/2022)

ORDER
IN
CRL OP(MD) No.16760 of 2022
Date :27/09/2022

pnm
USK/VR/SAR-III/27.09.2022/3P/7C