



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.19694 of 2022

WEB COPY

J.Viyagappan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Pavoorchathiram Police Station,
Tenkasi District.
Crime No.428 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Maharaja S, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.428 of 2021 on the file of the Respondent Police.

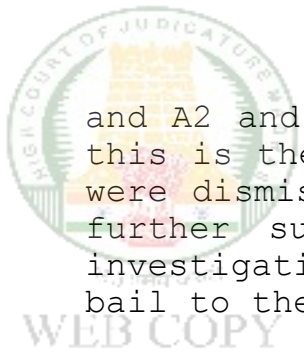
ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 20.09.2022 for the offences punishable under Sections 406, 420, 468 and 471 of IPC, in Crime No.428 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused received a sum of Rs.1,53,70,000/- from the de-facto complainant and 20 various person by assuring that they would arrange government job in various departments. Thereafter, failed to secure the job and repay the amount. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the petitioner's third bail application and the earlier two applications were dismissed by this Court in CrI.O.P(MD) Nos.17814 and 18554 of 2022, dated 06.10.2022 and 19.10.2022. He would further submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and he is in judicial custody from 20.09.2022. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he may be released on bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that it is a case of job racketing and more than one and a half crore has been involved in this case



and A2 and A3 are yet to be secured. He would further submit that this is the third bail application and the earlier two applications were dismissed by this Court on 06.10.2022 and 19.10.2022. He would further submit that nine witnesses have been examined and the investigation is pending. Hence, he strongly opposed for grant of bail to the petitioner.

5. Considering the submissions made by the learned counsel on either side and also considering the period of incarceration and also the fact that nine witnesses have already been examined, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, this Criminal Original Petition is allowed and 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 learned Judicial Magistrate Court, Tenkasi, Tenkasi District.

(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 is directed to deposit the original sale deed to the tune of Rs.5,00,000/- (Rupees Five Laks Only) to the credit of Crime No.428 of 2021 before the learned Judicial Magistrate Court, Tenkasi, without prejudice to his rights and contentions before the trial Court, within a period of two weeks from the date of release.

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

(vi) 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].

sd/-

08/11/2022

(*) Modified as per order of this Hon'ble Court in CRL OP(MD)No.19694 of 2022 dated 10.11.2022

/ TRUE COPY /

10/11/2022

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



TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 08.11.2022

- 1 THE JUDICIAL MAGISTRATE, TENKASI, TENKASI DISTRICT.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.
 - 4 THE INSPECTOR OF POLICE, PAVOORCHATHIRAM POLICE STATION,
TENKASI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M.JEGADEESHA PANDIAN, Advocate (SR-12636[I] dated
08/11/2022)

ORDER
IN
CRL OP(MD) No.19694 of 2022
Date :08/11/2022

SJI
RS/VR/SAR.(08.11.2022) 3P-7C
RS/VR/SAR.(10.11.2022) 3P-7C