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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 14/12/2022

PRESENT

**The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA**

CRL OP(MD). No.20027 of 2022

Raj Kumar

... Petitioner/Accused No.28

Vs

State Rep.by  
The Inspector of Police,  
City Crime Branch Police Station,  
Trichy District.  
Cr.No.8/2022.

... Respondent/Complainant

R.Selvarani

... Petitioner/Defacto Complainant  
in CRL MP(MD).14614/2022 in CRL OP(MD).20027/2022

For Petitioner : M/s.R.Anandhraj, Advocate  
for M/s.R.Erottuchamy, Advocate.  
For Intervenor : M/s.J.Jeyakumaran, Advocate  
For Respondent : Mr.T.Senthilkumar,  
Additional Public Prosecutor

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

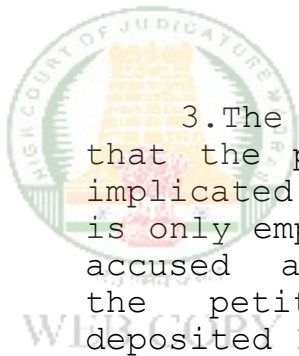
PRAYER :-

For Bail in Crime No.8/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A45, who was arrested and remanded to judicial custody on 15.10.2022 for the offence punishable under Sections 417,420,294(b),506(i) of IPC r/w.Section 120(b)of IPC in Crime No.8 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the the petitioner along with other accused promoted sparrow global traders and induced the gullible victims and received deposit to the tune of Rs.7,82,00,000/- and cheated the innocent depositors, hence the case came to be registered.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is only employed as collection agent in the company run by the main accused and he is nothing to do with the alleged offence. Further the petitioner is also a victim in this case and he has also deposited Rs. 7 lakhs being induced by the main accused. He would further submit that the petitioner is in jail from 15.10.2022 hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the associate of main accused and he along with main accused had induced the defacto complainant and other gullible victims and collected money and deposited a sum of Rs.7,82,00,000/- and they have cheated the depositors. He would further submit that investigation has been completed and final report has been filed before the learned Judicial Magistrate No.I, Trichy and the same has been taken cognizance in C.C. No.1303 of 2022 and the petitioner herein is arrayed as A45. He would also submit that the main accused has also cheated persons throughout Tamil Nadu, hence he opposed to grant bail to the petitioner.

5.The learned counsel for the intervenor would submit that the petitioner is also the main accused and he had worked as a team leader around Trichy and he had collected money on behalf of the main accused. Hence he opposed to grant bail to the petitioner.

6.At this juncture the learned counsel for the petitioner would submit that the petitioner's wife owns a house property situated in Ward no.14, Thiruparankundram Municipality limit, Thiruparankundram Taluk Sub Registrar Limit, presently ward No.96, Madurai Corporation Limit in S.R.V Nagar in Patta No.573, in Rs. Survey No.391/8A, Plot No.5 which is under Doc. No.1761/2020 dated 20.07.2020 under bank loan. The petitioner's wife is ready to stand as surety and swear an affidavit of undertaking that the house property will not be sold without obtaining permission from the Court.

7.Heard. Perused the materials available on record including the First Information Report and the affidavit filed on behalf of the petitioner.

8.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties (of which one shall be



the wife of the petitioner) each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Trichy and on further conditions that:

(b) At the time of furnishing sureties, the wife of the petitioner shall file an undertaking affidavit before the trial Court that the petitioner and his wife will not dispose the house property bearing Doc. No.1761/2020 dated 20.07.2020 situated in Ward no.14, Thiruparankundram Municipality limit, Thiruparankundram Taluk Sub Registrar Limit, presently ward No.96, Madurai Corporation Limit in S.R.V Nagar in Patta No.573, in Rs. Survey No.391/8A, Plot No.5 without obtaining permission from the Court.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the learned Judicial Magistrate No.I, Trichy every day at 10.30 a.m., for a period of two weeks and thereafter on the date fixed by the trial courts. Further the petitioner is also directed to appear before the respondent police for investigation every day at 5.30 pm., for a period of two weeks and thereafter as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

14/12/2022

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14/12/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY DISTRICT.



4 THE INSPECTOR OF POLICE, CITY CRIME BRANCH POLICE STATION,  
TRICHY DISTRICT.

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

+1 CC to M/s.EROTTUCHAMY R, Advocate ( SR-14808[I] dated  
14/12/2022 )

+1 CC to M/s.J.JEYAKUMARAN, Advocate ( SR-14844[I] dated  
14/12/2022 )

ORDER  
IN  
CRL OP(MD) No.20027 of 2022  
Date :14/12/2022

AAV  
RS/VR/SAR.(14.12.2022) 4P-8C