



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

Date : 19/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.22336 of 2022

Vairam @ Raja

... Petitioner/Accused No.1

Vs

The State Rep. By,

1. The Inspector of Police,
Aundipatti Police Station,
Theni District..

2. The Inspector of Police,
District Crime Branch,
Theni District.
Crime No.586 of 2022.

... Respondents/Complainants

For Petitioner : M/s.Sukumar B,
Advocate

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

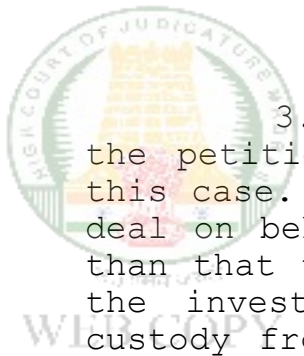
PRAYER :-

For Bail in Crime No.586 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 13.10.2022, for the offence punishable under Sections 406, 420, 465, 468, 471, 409, 120(b), 506(i) of I.P.C in Crime No. 586 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons sold the plots, which belongs to Slum Clearance Board to the defacto complainant, based on the fabricated pattas and received an amount of Rs.73,40,000/-, thereby cheated the defacto complainant. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The petitioner is only a broker, who has negotiated the deal on behalf of the defacto complainant with the accused. Other than that the petitioner has no role. In this case, major part of the investigation has been completed and the petitioner is in custody from 13.10.2022. The entire case of prosecution is borne out of records. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor would submit that the petitioner is a habitual offender. He along with other accused ie., Tahsildar, Sub Registrar and other officials fabricated the pattas in respect of plots of Slum Clearance Board and induced the defacto complainant to buy those plots and thereby cheated a sum of Rs.73,40,000/-. In this case investigation is pending. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Aundipatti**, and on further conditions that:

(b) 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;

(c) the petitioner shall report before the respondent Police Station daily at 10.30 a.m., until further orders;

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

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

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

(g) 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]**;



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

sd/-
19/12/2022

WEB COPY

/ TRUE COPY /

19/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE, AUNDIPATTI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE OFFICER-INCHARGE,
SUB-JAIL, PERIYAKULAM, THENI.
4. THE INSPECTOR OF POLICE
AUNDIPATTI POLICE STATION,
THENI DISTRICT.
5. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SUKUMAR B, Advocate (SR-15078[I] dated 19/12/2022)

ORDER
IN
CRL OP(MD) No.22336 of 2022
Date :19/12/2022

pnm
USK/VR/SAR- /19.12.2022/3P/8C