



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/01/2023
PRESENT

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

CRL OP(MD) . No.1129 of 2023

Rajesh @ Rajesh Raghuram

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
District Crime Branch(DCB),
Tirunelveli District.
(Crime No.10/2022).

... Respondent/Complainant

Saradha

... Petitioner/Intervener/
Defacto Complainant
In Crl.MP(MD).1299/2023
in Crl.OP(MD).1129/2023

For Petitioner : M/s.VISHNUVARDHAN S,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

For Intervenor : Mr.P.SAMUEL GUNASINGH, Advocate

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

PRAYER :- For Bail in Crime No.10/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 02.12.2022 for the offence under Sections 406, 420, 465 and 468 IPC in Crime No.10 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with the other accused induced the de-facto complainant for getting a job in Indian Costal Guard and received an amount of Rs.20,00,000/- and thereafter, had issued a forged appointment order and thereby, cheated the de-facto complainant. Hence, the case.

()3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case and he is a witness of circumstances. He would further submit that the petitioner had introduced the de-facto complainant to one Hemalatha and the said Hemalatha had cheated the**



petitioner as well as the de-facto complainant and earlier there were some complaints registered against the said Hemalatha and she was arrested in Crime No.131 of 2021 registered by the Central Crime Branch, Chennai and the petitioner was also arrested and he was granted bail. Subsequently, on the same set of allegation, the respondent has registered the present case in Crime No.10 of 2022 and the petitioner was arrested on 02.12.2022 and he is in judicial custody for the past 59 days. He would further submit that the petitioner, other than introducing the de-facto complainant to the said Hemalatha, has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has a permanent residence and to show his bona fides, he is ready to deposit original title deeds of the property, which has been registered as Document No.4570 of 2012 at the SRO Office, Keezhur, Thoothukudi and he is also ready to abide by stringent condition that may be imposed on him. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with the other accused induced the de-facto complainant for getting a job in Indian Costal Guard and received an amount of Rs.20,00,000/- and cheated the de-facto complainant by issuing fabricated appointment letter. He would further submit that the investigation is pending and he would object for grant of bail.

5.The learned counsel for the intervenor would vehemently oppose for grant of bail stating that the petitioner along with the other accused induced the de-facto complainant for getting a job in Indian Costal Guard and received an amount of Rs.20,00,000/- and cheated the de-facto complainant by issuing fabricated appointment letter.

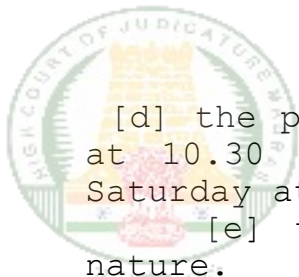
6.Heard. Perused the materials available on record including the First Information Report.

7.Taking into consideration of the facts and submissions made by the learned counsels, 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for learned Judicial Magistrate No.I, Tirunelveli, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c]the petitioner shall deposit the original title deed of **(*)Document No.4570 of 2012**, dated 03.12.2012, registered at the Office of the Sub Registrar, Keezhur, Thoothukudi before the learned Magistrate, at the time of furnishing sureties.



[d] the petitioner shall report before the respondent police at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

30/01/2023

(*)For Being Mentioned as per order of this Hon'ble Court dated 31/01/2023 in CrI.OP(MD).1129/2023.

()For Being Mentioned as per order of this Hon'ble Court dated 09/02/2023 in CrI.OP(MD).1129/2023.**

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09/02/2023

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

SJI

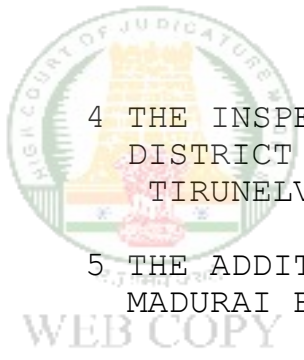
TO

TO BE SUBSTITUTED WITH THE ORDER DATED 30/01/2023 ALREADY DESPATCHED TO BE SUBSTITUTED WITH THE FOR BEING MENTIONED ORDER DATED 31/01/2023 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.I,
SPECIAL COURT, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.



4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB),
TIRUNELVELI DISTRICT.

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

6 THE SUB REGISTRAR,
KEEZHUR, THOOTHUKUDI.

+1. CC to M/S.VISHNUVARDHAN S Advocate SR.No.1405 (I)

ORDER IN

CRL OP (MD) No.1129 of 2023
Date : 30/01/2023

SA/SSS/SAR. /30.01.2023/4P/8C
AAV
SA/SSS/SAR. /31.01.2023/4P/8C
SJI
SA/VR/SAR. /09.02.2023/4P/8C