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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6302 of 2023

Kasinathan,

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
City Crime Branch Police Station,
Madurai.
Cr.No.01/2021.

... Respondent/Complainant

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

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (crl.side)

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

PRAYER :-

For Bail in Crime No. 01/2021 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 29.01.2023 for the offences under sections 120(B), 260,465,420 of IPC in Crime No.1 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that all the accused person in this case have promised many persons including the defacto complainant that they would get free houses to the victims at Rajakoor village, Madurai District from Tamil Nadu Housing Board and collected upto Rs.50 lakhs. Further the accused persons also given list of allotment and fake order by affixing the Government seal and signature of the Tahsildhar, hence the case.

3. Heard both sides and perused the materials available on <https://www.mca.gov.in/> including the First Information Report.



4. It is seen that the petitioner with the help of another accused had collected nearly Rs.16 lakhs from more than 1000 victims in order to get free houses at Rajakoor village, Madurai District from Tamil Nadu Housing Board to them. The second accused is the petition writer who is sitting in front of the Collector office. Though the petitioner has already paid some amount to get free house, had only collected money to the tune of Rs.16 lakhs.

5. The learned counsel for the petitioner would submit that the petitioner without his prejudice is ready and willing to deposit the original title deed not less than the amount collected by him.

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

7. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions

[a] the petitioner shall deposit the original title deed which stands in his name or in his relative's name or in his friend's name worth about Rs.25 lakhs along with the property valuation certificate from the authorities competent before the concerned Court without prejudice to his defence

[b] On such deposit, the petitioner shall 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 No.I, Madurai.

[c] 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 ;

[d] the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 pm., until further orders.

[e] the petitioner shall not tamper with evidence or witness.

[f] the petitioner shall not abscond during trial.

[g] 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].



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[h] If the accused thereafter absconds, a fresh FI registered under Section 229A IPC.

sd/-
05/04/2023

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05/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH POLICE STATION, MADURAI.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.ELANGO VAN S Advocate SR.No.5424(I)

ORDER
IN
CRL OP(MD) No.6302 of 2023
Date :05/04/2023

PKP/SSS/SAR- /05.04.2023/ **3P/7C**