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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/04/2023

PRESENT

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

CRL OP(MD) . No.6703 of 2023

Ramachandran ... Petitioner/Petitioner/Accused No.8

Vs

State Rep.by
The Deputy Superintendent Of Police,
CBI, ACB, Madurai.
(Crime No.RC 229 2021 A 0001) ... Respondent/Respondent/Complainant

For Petitioner : M/s.Ramsundarvijayraj.S,
Advocate.
For Respondent : Mr.C.Muthu Saravanan,
Special Public Prosecutor for CBI

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

PRAYER :-

To enlarge the petitioner on bail in connection with RC 229 2021 A 0001 on the file of the respondent police and pass such other orders

ORDER : The Court made the following order :-

The petitioner /A8 who was arrested and remanded to judicial custody on 24.02.2023 for the offences under sections 120(b), 420 of IPC r/w.13(2),13(1)(d) of P.C.Act 1988 in Crime No. RC 229 2021 A 0001 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner herein a Government Teacher in Primary School, Keezhambal Village, Ramanathapuram and he had registered himself as a Tax Return Preparer (TRP) and also GST Practitioner which is against the conduct rules. He used to file returns to various private persons and other State Government Agencies for his personal earnings. The petitioner's bank transactions maintained at Axis Bank for the last five years shows a total transaction of around Rs.80 lakhs and the bank transactions maintained at State Bank of India for the last five year shows a total transaction of around Rs.40 lakhs was found which is other than his salary account, hence the case.



3. The learned counsel for the petitioner would submit that the petitioner herein is arrayed as A8. He has been implicated as an accused since he is the brother of the first accused. The allegation against the petitioner is that a sum of Rs.4 lakhs was transferred from the account of A1 to the petitioner's account. He would further submit that the petitioner is a primary school teacher and an award winner, therefore he has nothing to do with the alleged crime as alleged by the prosecution.

4. The learned Additional Public Prosecutor would submit that the petitioner herein is arrayed as A8 who is the brother of the first accused. He obtained permission of digital signatory from the IT Department. He had undergone training from NIT and even after he was recruited as teacher he was also practising as tax preparer and he was practising as a GST Practitioner. The further allegation is that the petitioner along with other accused had claimed tax benefits from other PAN holders.

5. The first accused in this case was arrested and released on bail. The crime is of the year 2021. Now the account of the petitioner has been frozen. Taking into consideration 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:

[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 blood related sureties each for a like sum to the satisfaction of the II Additional District Court (CBI Cases), Madurai 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.

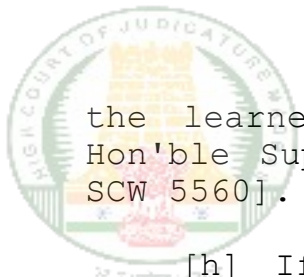
[c] the petitioner shall report before the respondent police daily at 10.30 A.M. and 5.30P.M., until further orders.

[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 in the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-

18/04/2023

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18/04/2023

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

AAV

TO

1 THE II ADDITIONAL DISTRICT JUDGE (CBI CASES), MADURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE DEPUTY SUPERINTENDENT OF POLICE, CBI, ACB, MADURAI.

4 THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-6048[I] dated
18/04/2023)

ORDER

IN

CRL OP(MD) No.6703 of 2023

Date :18/04/2023

RS/SSS/SAR-(18.04.2023) 3P 6C