



CRL OP(MD). No.14440 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14440 of 2023

S.Murugan

... Petitioner/ Accused No.3

Vs

The State rep. by
The Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.38 of 2022)

... Respondent/Complainant

For Petitioner : M/s.B.Jeyakumar, Advocate.

For Respondent : Mr.B.Nambiselvan

Additional Public Prosecutor

For Intervenor : Mr.D.Malaichamy, Advocate.

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

PRAYER :-

For Bail in Crime No. 38 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.3 herein, who was arrested on 28.06.2023 for the alleged offence under Sections 417, 420, 120(b), 468, 471 of IPC, in Crime No.38 of



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2022, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the defacto complainant lodged the complaint stating that the petitioner herein is his neighbour, a fortune teller. On 21.12.2018, one Rajendran, who is the first accused herein came to this petitioner for Astrology advice. He requested the defacto complainant to provide water for drinking. In the course of conversation, the defacto complainant informed the above said Rajendran that his son is jobless. At that time, the Rajendran informed him that he is known to several persons in the higher official level and if Rs.22 lakhs is given, they can arrange Sub Inspector Post in the VIP quota. Believing the words of the Rajendran in January 2019, he went to Avadi Police Training College. At that time, the above said Rajendran was available along with one Rajaram. Again promise was made to arrange job. On 24.02.2019, the above said Rajendran, received Rs.5 lakhs as advance. He has also issued a cheque for receiving the above said amount without mentioning the date. After that he transferred various amounts on various dates to the Bank Account of Rajendran. The total amount was Rs.12,99,000/-. After receiving the entire amount, Rajendran was delaying the arrangement. Later disconnected the contact. The cheque was presented for payment and that was dishonoured. Stating that he has been cheated by the above said Rajendran, the complaint has been preferred. Upon which, the above said case has been registered.



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3. During the course of investigation, the involvement of this petitioner came to light and he was arrested and remanded to judicial custody on 28.06.2023. Seeking bail this petition has been filed by the petitioner, stating that absolutely nothing has been mentioned in the FIR about the involvement of this petitioner.

4. Per contra, the learned Additional Public Prosecutor would submit that during the course of investigation, it was found that only this petitioner alleged to have informed or intimated the first accused namely Rajendran about the jobless nature of the defacto complainant's son and his financial position. Only upon the information given by this petitioner, the above said Rajendran approached the defacto complainant and made promise. He would further submit that in the course of confession statement of the co-accused, he stated that out of the money that was received by him Rs.3 lakhs was paid to the petitioner for the above said information furnished. According to him, no ground has been made out by the petitioner for releasing him on bail.

5. Perusal of records shows that in the course of the confession statement of the first accused, he has stated that he has paid Rs.3 lakhs to this petitioner, out of the above said amount that was received by him from the defacto complainant. But, it is seen that both are neighbours. The occurrence said to have taken place in the year 2019. The complaint has been given in 2022. By pointing out this, the learned



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counsel for the petitioner submitted that if really this petitioner has received any amount from the first accused, the defacto complainant ought to have given a complaint immediately. But, no such thing was informed to the defacto complainant by the first accused. According to him, no materials have been collected, except the confession statement of the first accused about receiving money.

6.The counsel for the intervenor namely the defacto complainant would submit that the petitioner has one previous case on the file of the Palladam Police Station also. He has also produced the case detail in Crime No.462 of 2005. But, the status of the case shows that it has been disposed of, meaning that he has been acquitted.

7.No doubt, that the petitioner was implicated in a murder case. So far this case is concerned, except the confession statement of the first accused, no other materials have been collected during the Course of investigation to show that this petitioner received Rs.3,00,000/- from the first accused.

8.In view of the above and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with stringent conditions.

9.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of



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Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Theni, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

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

TM
TO

- 1 THE JUDICIAL MAGISTRATE,
THENI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, THENI, THENI DISTRICT.
- 4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI DISTRICT.



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

ORDER
IN
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Date :17/08/2023

PKP//SAR- /17.08.2023/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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