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CRL O.P. No.28365 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.28365 of 2024

Thirumalai Rajan S/o. Palraj

... Petitioner /Accused

Vs

State represented by:-

The Station House Officer,
Town Police Station, Karaikal

[Cr . No.169 of 2024] Respondent / Complainant

PRAYER: - The Criminal Original Petition is filed under Section 483 of

B.N.S.S., praying to grant bail to the petitioner/Accused in Cr . No.169
of 2024 on the file of the respondent police.

For Petitioner : Mr. P.J. Anitha

For Respondent : Mr. K.S. Mohandas,
Public Prosecutor - Puducherry.
Assisted by
Mrs. N. Dhanalatchumy,
Government Advocate,
Puducherry.

ORDER

The petitioner / Accused, who was arrested and remanded to
judicial custody on 14.09.2024 for the offences punishable under



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Sections 420, 468, 471, 473 read with 34 of IPC in Cr. No.169 of 2024

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on the file of the respondent police seeks bail.

2. The Deputy Collector (Revenue)-cum-Sub Division Magistrate, Karaikal lodged a complaint stating that between 09.01.2023 and 25.02.2024, some unknown persons, in furtherance of common intention, have fraudulently fabricated the documents affixed with the forged signature of the defacto complainant with Government official seal projecting that the vast extent of land belongs to Sri Paarvadeeswarar Swamy Devasthanam near JIPMER Hospital, Karaikal has been converted into the house sites by the Government itself and the housing plots are being assigned to the general public on market value and the documents were shared by online in social media and huge amount from the general public are being collected and to prevent the general public being cheated, the defacto complainant has requested for necessary legal action against the culprits. Thus, the respondent police have registered the present case and the investigation reveals that the petitioner herein has allegedly enticed several persons in Karaikal by showing the forged



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and fabricated documents and collected huge amount. Hence the case.

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3. The learned counsel for the petitioner would contend that this petitioner has been falsely implicated in this case based on a false complaint given by the defacto complainant for the offences under Sections 420, 468, 471, 473 read with 34 of IPC and this petitioner is working as Manager in M/s. Complete Fire Solution and this petitioner was arrested and remanded to judicial custody on 06.10.2024. The Government officials only tried to convert the temple lands into housing plots and in fact, the defacto complainant was also arrested in this case as one of the prime accused and this petitioner had only acted as broker and he is no way connected with the offences as alleged in the FIR and hence, he prayed that the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that this petitioner was working as a Manager under the first accused in M/s. Complete Fire Solution at Karaikal and as instructed by the prime accused, this petitioner acted as 'broker' and he is alleged to



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have taken the customers to the landed property owned by Parvatheeswarar Temple and enticed them to invest in purchasing the Plots assigned for market value by the Government, thereby, this petitioner along with others has actively participated in the offences and swindled the temple property, that the Deputy Collector, Karaikal also involved in the alleged offences and he was arrested and hence he strongly opposed to grant bail to the petitioner. However, he admitted that the co-accused was released on bail and the custodial interrogation was over.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offences and incarceration period of this petitioner from 14.09.2024, considering the fact that there is no previous case pending against the petitioner and even as per the prosecution, the alleged offences are borne out of the records, thereby, there is no scope for tampering the evidence and considering the fact that the co-accused were



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released on bail, I am 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 **Judicial Magistrate Court No.1, Karaikal** and on further conditions that:

[b] the petitioner shall report before the concerned jurisdictional Magistrate Court on all working days at 10.30 a.m. until further orders.

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation or trial;



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[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] 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].

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

13.11.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

- 1.The Judicial Magistrate Court No.1, Karaikal.
- 2.The Public Prosecutor, Puducherry.
3. The Public Prosecutor, Madras High Court, Chennai.

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4. The Station House Officer, Town Police Station, Karaikal.

5. The Sub Jail, Karaikal.

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