



CRL OP(MD). No.5722 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.5722 of 2024

Gurush Alexander

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
District Crime Branch,
Tirunelveli District.
Crime No.5/2024.

... Respondent/Complainant

For Petitioner	:	Mr.V.Kathirvelu, Senior Counsel for M/s.Susi Kumar.C, Advocate.
For Respondent	:	Mr.T.Senthil Kumar, Additional Public Prosecutor
For defacto complainant	:	Mr.K.P.Narayanakumar

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

PRAYER :-

For Bail in Crime no.5 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner and others in Crime No.5 of 2024 for the offence punishable under Sections 120 (b), 294(b), 406, 420 and 506 (ii) of IPC and remanded him to judicial custody on 29.02.2024.



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2. This complaint has been lodged by way of filing complaint under Section 156 (3) Cr.P.C, referred for investigation and thereafter, a case has been registered.

3. The learned Senior Counsel appearing for the petitioner submits that on the very same set of facts, the petitioner has sent a legal notice to the defacto complainant in the year 2017 and has also filed an application before this Court in CrI.O.P.(MD) No.3563 of 2018, as against the defacto complainant and the Thisaiyanvilai Police Station that the police are harassing at the instance of the defacto complainant and the same was disposed by this Court on the report of the Thisaiyanvilai Police Station that the issue is civil in nature. In the year 2024, this complaint has been lodged through the Bar President of that area seeking a direction for registering the complaint and the same was referred by the learned Magistrate for enquiry before the District Crime Branch. The District Crime Branch has also registered a case on 28.02.2024 and the petitioner was arrested on the next day i.e., 29.02.2024. The learned Magistrate has mechanically entertained the petition filed under Section 156 (3) Cr.P.C. The investigation agency without verifying and ascertaining the previous facts that similar complaint lodged before Thisaiyanvilai Police Station which was closed, registered the present case.

4. According to the allegations in the complaint, the defacto complainant, who is a Law Graduate, said to have paid a sum of Rs.24,00,000/- as a commission to the



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petitioner for the purpose of getting loan to an extent of Rupees Five Crores. The alleged occurrence is said to have taken place in the year 2016 and now, the complaint has been lodged.

5. Mr.K.P.Narayanakumar, learned counsel for the defacto complainant has raised his objection and submits that the petitioner is indulged in similar offence and a case has also been registered on the file of the District Crime Branch as against the petitioner in Crime No.4 of 2022.

6. Considering the facts and circumstances of this case, nature of allegation and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tirunelveli.

ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioner shall report before the respondent police as and when



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required for interrogation.

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iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.

v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

sd/-

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15/04/2024

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

TO

1 THE JUDICIAL MAGISTRATE NO.1, TIRUNELVELI

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-4421[I] dated 15/04/2024)



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ORDER

IN

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Date :15/04/2024

RS//SAR-(15.04.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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