



CRL OP(MD). No.13436 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13436 of 2024

Prakash Narayanan

... Petitioner/ Accused No.2

Vs

The Sub Inspector of Police,
Puliangudi Police Station,
Tenkasi.

Crime No.309 of 2024

... Respondent/Complainant

For Petitioner : M/s.Manu Tom, Advocate.
For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor
For intervenor : M/s.Fathima, Advocate
for Mr.M.Jegatheesh Pandian, Advocate

PETITION FOR BAIL UNDER SEC 483 of BNSS

PRAYER :-

For Bail in Crime No.309 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 29.07.2024 for the offences punishable under Sections 316(2), 318(4) of BNS Act in Crime No.309 of 2024 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner herein and other accused have received a sum of Rs.1,22,67,500/- from the victims to secure jobs at Newzealand and amounts were credited to their accounts by way of NEFT Transfer and A1 has created a fake visa, flight ticket and appointment order and cheated the victims. Hence the case.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and the intervenor and perused the materials available on record.

4. This is a case involving a job racketing in the guise of getting employment at abarod and a total sum of Rs.1,22,67,500/-, thereabouts have been obtained from 19 victims and they have been cheated. It is also submitted that even fake Visas were given to them. The learned counsel for the petitioner submits that the petitioner is only the Accused No.2. The major allegations are against his son, who is the accused No.1. He has also submitted that the petitioner would furnish immovable properties as security to the tune of not less than Rupees One Crore before the trial court and he will also produce the original documents of title along with an affidavit.

5. The learned counsel appearing for all the interveners would oppose by saying that the victims have been cheated by furnishing fake Visas. M/s. Fathima learned counsel appearing for the defacto complainant would submit that now, she is



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ready to handover the amount of Rs.39,00,000/- which is there in the defecto complainant. So that it can also be handed over to the Investigating Officer without prejudice to their further rights and contentions before the trial Court.

6. Considering the said arguments made by the Learned Counsel for the petitioner, I am inclined to enlarge the petitioner on bail and accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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 Additional Judicial Magistrate, Sivagiri, Thenkasi.

(i) As per the undertaking given by the learned counsel for the petitioner, affidavit and also the original documents of title of any immovable property or properties belonging to the petitioner or any close relatives to the tune of Rs.1,00,00,000/- shall be deposited to the crime number with consent that the property can be attached with reference to the said criminal case.

(ii) 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;

(iii) the petitioner shall appear before the respondent Police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for interrogation;



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(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

(vi) 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].

(vii) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/08/2024

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16/08/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE ADDITIONAL JUDICIAL MAGISTRATE, SIVAGIRI, TENKASI DISTRICT.

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

3 THE SUPERINTENDENT, PALAYAMKOTTAI CENTRAL JAIL, TIRUNELVELI.

4 THE SUB INSPECTOR OF POLICE, PULIANGUDI POLICE STATION,
TENKASI.



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

+1 CC to M/s.MANU TOM, Advocate (SR-10018[I] dated 16/08/2024)

ORDER

IN

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Date :16/08/2024

RS//SAR-(16.08.2024) 5P 7C

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