



CRL OP(MD).No.11948 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Reserved on : 18/07/2025

Delivered on : 24.07.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD).No.11948 of 2025
and
Crl.M.P(MD)No.9468 of 2025

Thoufeek @ Thoufeek Raja,
S/o.Amanulla,

..Petitioner/ A3

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
CCB, Madurai City,
(Crime No.24 of 2025) .. Respondent/ Complainant

For Petitioner : Mr.D.S.Haroon Rasheed,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Saravana Kumar,
Advocate.



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WEB COPY PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.24 of 2025 on the file of the Respondent Police.

ORDER : This Court made the following order :-

The petitioner /A3, who was arrested and remanded to judicial custody on 13.06.2025 for the offences punishable under Section 318(4) r/w Section 49 of BNS, in Crime No.24 of 2025 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is doing garments business at Trichy District. The petitioner along with other accused persons approached the defacto complainant and narrated their business of redeeming jewels from the bank and co-operative society on commission basis and induced him to deposit the amount in the said business. Believing the words of the petitioners, the defacto complainant deposited Rs.5 lakhs and the accused persons returned the amount with profit amount of Rs.6,000/-. Thereafter, the defacto complainant invested the amount again and again as per the instructions of the accused 1 to 7. The defacto complainant made investments in the said business periodically by getting loan from his family members and sold his super Market. Totally he invested



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a sum of Rs.2,50,00,000/-. Thereafter, the accused persons failed to return the amount and thereby cheated the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Initially the defacto complainant has given a complaint before the CCB, Trichy, in which the petitioner's name was not found. Subsequently, the defacto complainant has given another complaint before the DCB, Ramanathapuram, in which the petitioner's name has not been mentioned. Subsequently, the defacto complainant has given a complaint before the respondent police only against the A1 and A2 and he has not stated anything about the present petitioner. On enquiry, the defacto complainant and the A1 and A2 were entered into compromise. Thereafter, the accused 1 and 2 have not abided as per compromise. Hence, they have filed another complaint by indicating 13 named persons, in which, the petitioner arrayed as an accused. He would further submit that the petitioner has not received any amount from the defacto complainant and the petitioner is also the victim in this case and the accused 5, 12 and 13 were already released on bail by the learned Judicial Magistrate No.I, Madurai in Cr.M.P.No.4647 of 2025 and Cr.M.P.No.4785 of 2025. Hence, he seeks bail.



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4.The learned counsel appearing for the intervenor would submit that the petitioner has introduced himself as employee under the first accused. The role played by the petitioner has known by the defacto complainant only at the time of enquiry of his earlier complaint against the A1 and A2. During investigation, the second accused has narrated the involvement of the petitioner/A3. The defacto complainant went to the house of the petitioner/A3 and paid Rs.30 lakhs to him directly for their business purpose, but he has not utilized the same for the said business, but he has given the same to his brother/A4, who spent the amount to start Institutes at Trichy, Nagercoil and some other Districts, which revealed during the course of investigation. Hence, the respondent police called the petitioner/A3 for enquiry, at the time of enquiry, he has also admitted the same and has given undertaking to return the money. Based on which, the accused 1, 2 and 5 have entered into settlement with the defacto complainant through their advocate and hence, the liability was divided at Rs.1,25,00,000/- in favour of the first accused and remaining amount of Rs.1,25,00,000/- in favour of the A2 and A5. He would further submit that all the accused persons received totally Rs.2,50,00,000/- from the defacto complainant. He would also submit that A5 was released on bail only on the ground of mercy. Hence, he opposed to grant bail to the petitioner.



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5. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused persons approached the defacto complainant and narrated their business of redeeming jewels from the bank and co-operative society on commission basis and induced him to deposit the amount in the said business. Believing the words of the petitioners, the defacto complainant deposited Rs.5 lakhs in the year 2022. Initially they have returned the profit amount and after, they have received more money and not repaid any amount to the defacto complainant and thereby cheated the defacto complainant. The petitioner/A3 has received Rs.30 lakhs for the said business, but he has not utilized the same for the said gold redemption business. Instead of he has given the amount to his brother/A4, who spent the said amount to start Institutes at Trichy, Nagercoil, etc. One portion of the amount was recovered from the petitioner/A3. He would further submit that the accused 5, 12 and 13 were already released on bail by the learned Judicial Magistrate No.I, Madurai. The fifth accused was granted bail only on mercy ground. However, he objected to grant bail to the petitioner.

6. Taking into consideration of the facts and circumstances of the case and taking note of the fact that the co-accused 5, 12 and 13 were already released on bail



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and most of the investigation might have been completed and also considering the fact that the petitioner/Accused is in judicial custody from 13.06.2025, taking into consideration of the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate No.I, Madurai and on further conditions that :-

[a] 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.

[b] The petitioner shall furnish his residential address and contact number to the learned Judicial Magistrate No.I, Madurai. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate No.I, Madurai ;

[c] the petitioner shall appear and sign before the respondent police daily at 10.00 a.m., until further orders;

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

[e] the petitioner shall not tamper with evidence or witness either during



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investigation or trial.

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[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

8. In the result, the Criminal Original Petition is allowed. Consequently, connected Miscellaneous is closed.

sd/-
24/07/2025

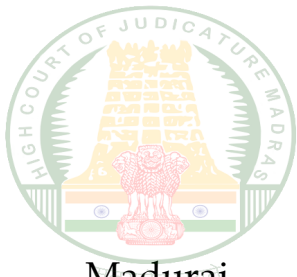
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/07/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mrm
TO

1.The Judicial Magistrate No.I, Madurai.

2.Do through Chief Judicial Magistrate,



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Madurai.

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3.The Officer In charge,
District Prison, Virudhunagar.

4.The Inspector of Police,
CCB, Madurai City,

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-7975[I] dated 24/07/2025)

ORDER

IN

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Date :24/07/2025

PS/SAR.24.07.2025 8P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023