



CRL OP(MD). No.23137 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.23137 of 2024

V.Pathinettampadi,

... Petitioner/ Accused No.4

Vs

The State of Tamil Nadu,
Rep By,
The Inspector of Police,
Thallakulam Police Station,
Madurai District.
Cr.No.1291 of 2024..

... Respondent/ Complainant

For Petitioner : Mr.Boopathi.R,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

For Intervener : Mr.A.Subramanian, Advocate

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No.1291 of 2024 on the file of the respondent police.



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WEB COPY ORDER: The Court made the following order :-

The petitioner / Accused No.4, who was arrested and remanded to judicial custody on 28.11.2024 for the offences under Sections 318(4) of BNS, 2023 in Crime No.1291 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that Accused Nos.1 to 4, who in the guise of doubling the investment, called the defacto complainant to the place of occurrence and received a total sum of Rs.3,00,000/- from the defacto complainant. Accused Nos.5 and 6 projected themselves to be the Police officials and thereby, all the accused persons managed to cheat the defacto complainant and take away the sum of Rs.3,00,000/-. There are totally seven accused in this case and the petitioner has been arrayed as Accused No.4 and the allegation against the petitioner is that he is the one, who received money from the defacto complainant.

3. The learned counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner and that the petitioner is not involved in this case. The learned counsel also brought to the notice of this Court that the petitioner has suffered incarceration from 28.11.2024.



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4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the accused persons are repeatedly involved in cases of similar nature. Out of the total sum of Rs,3,00,000/-, only a sum of Rs.2,10,000/- has been recovered. He vehemently opposed the grant of bail to the petitioner.

5. The learned counsel appearing for the intervener submitted that all the accused persons conspired together and cheated the defacto complainant and that the accused persons have committed similar offences and cheated several other persons. Hence, the learned counsel appearing for the intervener vehemently opposed the grant of bail to the petitioner.

6. This Court has carefully considered the submissions made on either side and the materials available on records.

7. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 28.11.2024 and during the course of investigation, a part of the amount has been recovered and taking note of the fact that there are no previous cases against this petitioner (Accused No.4), this Court is inclined to grant bail to the petitioner subject to the following conditions.



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8. Accordingly, the criminal original petition is ordered 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 Judicial Magistrate No.2, Madurai and on further conditions that:-

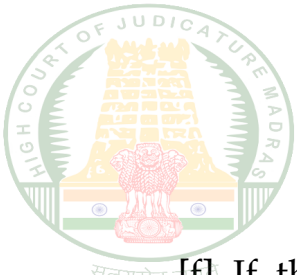
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[e] 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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under
Section 269 of BNS, 2023.

sd/-
06/01/2025

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06/01/2025

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

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.2
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI.

3 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.

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

+1 CC to M/s.R.BOOPATHI, Advocate (SR-96[I] dated 06/01/2025)

ORDER

IN

CRL OP(MD) No.23137 of 2024

Date :06/01/2025

SS/SAR- /06/01/2025/ 5P/7C

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