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Crl.O.P.(MD)N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . Nos.16664 and 17484 of 2022

KOUSALYA PRIYADHARSHINI

... PETITIONER/1ST ACCUSED
IN CRL.OP (MD) .16664/2022

V.RAGAVAN @ VEERA VIJAYARAGAVAN

... PETITIONER / ACCUSED No.3
IN CRL.OP (MD) .17484/2022

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SOOLAKKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.149 OF 2022.

... RESPONDENT/COMPLAINANT
IN BOTH PETITIONS

For Petitioner (in Crl.O.P.(MD)No.16664 of 2022)
: M/s. DEENADAYALAN.S.M.,
Advocate.

For Petitioner (in Crl.O.P.(MD)No.17484 of 2022)
: Mr.R.SENTHILKUMAR
Advocate.

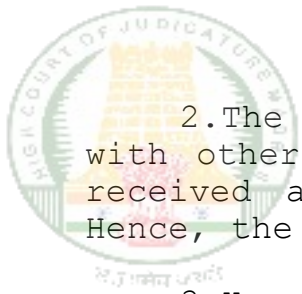
For Respondent (in both petitions)
: Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :- For Anticipatory Bail in Crime No.149 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 465, 468, 471 and 407 of I.P.C., in Crime No.149 of 2022 on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that the petitioner is with other accused, by giving false promise to construct a house, received a sum of Rs.33,24,962/- from the de-facto complainant. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that the de-facto complainant is a person, who contract the first accused in order to construct independent house building. However, the first accused used substantial quality in the construction. Therefore, the de-facto complainant lodged complaint before the concerned Police Officer and the same was enquired and closed as civil in nature. Thereafter, the de-facto complainant approached the learned Magistrate and direction was issued under Section 156(3) of Cr.P.C and on such direction, the respondent registered the FIR. It is also seen that the second petitioner is the employee of the first petitioner. That apart, the entire allegations are civil in nature. Therefore, the custodial interrogation of the petitioners do not require in this case.

5.In view of the above, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

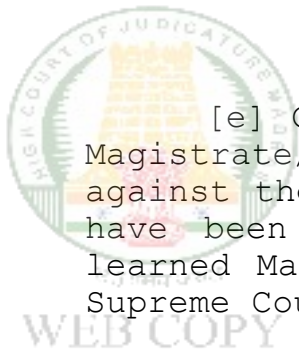
6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Virudhunagar, Virudhunagar District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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 petitioners shall report before the respondent Police as and when required for interrogation;

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

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



[e] On breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

sd/-

15/06/2023

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/07/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
SOOLAKKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD). Nos.16664 and 17484 of 2022
Date :15/06/2023

SA/SSS/SAR. /04.07.2023/3P/5C