



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

Wednesday, the Twentieth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2345 of 2019

RAJA

... PETITIONER / 1st ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT
CRIME NO.659/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.P.NARAYANAKUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420 IPC in Cr.No.659 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner and other accused persons induced the defacto complainant for securing job in Koodankulam Nuclear Unit and demanded a sum of Rs.24,04,900/- and the defacto complainant also gave the said amount, however, the petitioner neither secured job nor repaid the amount, for which the defacto complainant preferred a complaint before the respondent police.

2.The learned counsel appearing for the petitioner would submit that the petitioner borrowed a sum of Rs.14,59,000/- out of which, he paid 65,000/- on 01.11.2017 and thereafter, for the balance amount, sale deed was executed in favour of defacto complainant on 30.01.2018.

<https://hcservices.ecourts.gov.in/hcservices/>

The defacto complainant appeared before this Court and he did not dispute the sale deed.



4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.

3.Considering the facts and circumstances of the case and considering the fact that the petitioner received a sum of Rs.14,59,000/-, out of which, the petitioner repaid a sum of Rs.65,000/- and sale deed also executed in favour of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, Virudhunagar District, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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]**; and;

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

sd/-

20/02/2019

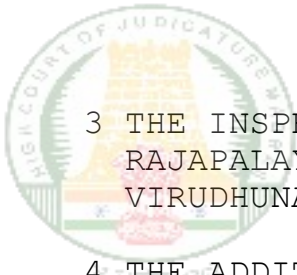
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM, VIRUTHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT.



3 THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate SR-3418

ORDER

IN

CRL OP (MD) No.2345 of 2019

Date :20/02/2019

JM/PN/SAR 1/27.02.2019/3P/6C