



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.282 of 2019

THANGAVEL

... PETITIONER/ACCUSED No.2

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.
CRIME NO.49/2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.V.MANIKANDAN, Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor(Crl.Side)

For Intervenor : MR.T.K.GOPALAN, Advocate

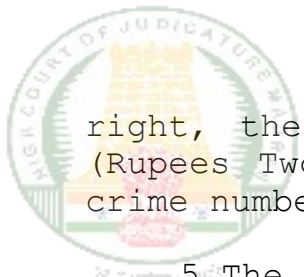
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 120(b) IPC in Crime No.49 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant deposited a sum of Rs.50,000/- to A1 and other accused for formation of a trust by believing the sugar coated words of the first accused as if foreign fund will come and his amount will be repaid. In respect of the petitioner herein Rs.2,85,000/- was deposited. Since this amount has not been repaid, the defacto complainant made the complaint before the respondent police against the petitioner and other accused.

4.The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and hence, prays for grant of anticipatory bail to the petitioner. Further, he on instructions submitted that without prejudice to his



right, the petitioner is ready to deposit a sum of Rs.2,85,000/- (Rupees Two Lakhs and Eighty Five Thousand only) to the credit of crime number.

5.The learned Government Advocate (Crl.Side) submitted that the investigation is still pending.

6.Taking into consideration the nature of allegation against the petitioner and also the submissions made by the leaned counsel, this Court is inclined to grant anticipatory bail to the petitioner.

7.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, Theni 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]if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b]the petitioner shall deposit a sum of Rs.2,85,00/- (Rupees Two Lakhs and Eighty Five Thousand only), to the credit of Crime No.49 of 2018 within a period two weeks from the date of receipt of a copy of this order, failing which this order shall stand automatically vacated without further reference to this Court.

[c]the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

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

[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 229-A IPC.

sd/-

05/02/2019

/ TRUE COPY /



1. THE JUDICIAL MAGISTRATE, THENI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI DISTRICT

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

+1. CC to MR.V.MANIKANDAN, Advocate SR.No.2385

ORDER
IN
CRL OP(MD) No.282 of 2019
Date :05/02/2019

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PK/PN/SAR-3/08.02.2019 : 3P/6C