



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

Wednesday, the Twenty Fourth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5444 of 2019

SEGU MOHAMMED

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
(CRIME NO.19/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.ANAND, 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 is apprehending arrest at the hands of the respondent police for the alleged offence under Sections 420, 294(b) and 506 (i) of IPC in Crime No.19 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution is that for the purpose of securing the job in Newzealand, the petitioner and the other accused persons collected a sum of Rs.29,60,000/- from seven victims. Thereafter, the accused persons neither secured the job nor repaid the amount collected from the victims . Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is a innocent person. However, on instruction, he would further submit that the petitioner is ready to deposit a sum of Rs.12,00,000/- to the credit of crime number. Thereafter, the said amount disburse to the victims.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that if the petitioner is ready to deposit the amount to the victims, anticipatory bail may be considered.



5. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner is directed to deposit a sum of Rs.12,00,000/- to the credit of Crime No.19 of 2018 before the learned Judicial Magistrate No.III, Thoothukudi District.

WEB COPY

6. 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 No.III, Thoothukudi District on condition that the petitioners 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 is directed to deposit a sum of Rs.12,00,000/- to the credit of Crime No.19 of 2018 before the learned Judicial Magistrate No.III, Thoothukudi District. Thereafter, the learned Magistrate disburse the said amount to the victims after ascertain their identification within a period of four weeks without filing any formal application;

(b) the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(c) the petitioner shall report before the respondent police as and when required;

(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]**; and;

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

sd/-

24/04/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.III,
THOOTHUKUDI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.5444 of 2019
Date :24/04/2019

MS/MMS/SAR-2/29.04.2019/3P.5C