



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2019

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PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8039 of 2019

S.Munusamy,,

... Petitioner/Sole Accused

Vs

The state rep by its
The Inspector of Police,
City Crime Branch, Contonement,
Trichy City.
(Crime.No.4 of 2019).

... Respondent/Complainant

For Petitioner : M/s.J.Jeyakumaran,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

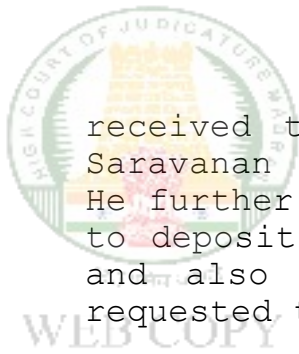
For anticipatory bail in Cr.No.4 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC in Crime No.4 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the defacto complainant has approached and made a request to make arrangements for getting medical seat in a Government college and also offered to pay a sum of Rs.15,00,000/-. He further submitted that the petitioner has not



received the said amount. On the contrary he has introduced one Saravanan and only to him the petitioner has paid the said amount. He further submitted that on instructions, the petitioner is willing to deposit a sum of Rs.5,00,000/- to show his bona fide and also filed the affidavit of the petitioner and hence, he requested this Court to grant anticipatory bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor has submitted that it was only the petitioner, who made promise that he will get medical seat in a Government College and received a sum of Rs.15,00,000/- from the defacto complainant and thereafter he could not make any arrangements for getting seat and also refused to return the said amount. He further submitted that the petitioner has lodged a counter complaint against one Saravanan before the same respondent police on 12.04.2018, so far no action has been taken on the said complaint. Hence, he strongly opposed this petition.

5.Taking into consideration the submission made by the learned counsel for the petitioner that already the petitioner has lodged a complaint against one Saravanan before the respondent Police and the same is still pending and also the affidavit filed by the petitioner, without prejudice to his defence, he is willing to deposit a sum of Rs.5,00,000/- to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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.2, Trichy, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) Before the executing the bail bond, the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.4 of 2019 before the learned Judicial Magistrate No.2, Trichy, without prejudice his defence before the trial Court;

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iv) the petitioner shall not tamper with evidence or witness



either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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].

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

sd/-
06/08/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.2
TRICHY
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
TRICHY
 - 3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, CONTONEMENT, TRICHY CITY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.J.JEYAKUMARAN Advocate SR.No.13001

ORDER
IN
CRL OP(MD) No.8039 of 2019
Date :06/08/2019

KM/PN/SAR-IV (19.08.2019) 3P 6C