



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

Date : 24/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9638 of 2019

Periyasamy

... Petitioner/Accused No.2

Vs

State rep.by,
The Inspector of Police,,
Kattuputhur Police Station.
Trichy District.
Crime No. 246 of 2018.

... Respondent/Complainant

For Petitioner : M/s.G.Aravinthan,
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 Crime No. 246/2018 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner/Accused No.2 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 and 506(i) of IPC seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner would submit that a false case been foisted against the petitioner. He would further submit that co- accused in this case was granted anticipatory bail in CrI.O.P(MD) No. 22840 of 2018 on 08.02.2019 by this Court on depositing Rs.4,60,000/-. The learned counsel on instructions would further submit that the petitioner is ready to deposit Rs.2,50,000/- to the credit in crime number without prejudice to his rights and defence before the trial court. Hence, he prayed to grant of anticipatory bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>
4.The learned Additional Public Prosecutor would submit that the petitioner and the defacto complainant are neighbours. Further the petitioner herein introduced the first accused to defacto



complainant and made her to believe that the first accused will secure government job for her two sons, for which the defacto complainant had paid Rs.9,60,000/- on various dates. Thereafter the petitioner herein neither arranged job nor returned money. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the fact that co-accused in this case was granted anticipatory bail by this Court and also the fact that the petitioner has come forward to deposit Rs.2,50,000/- to the credit in crime number without prejudice to his rights and defence, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri 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:

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

[b] before executing bail bond the petitioners shall deposit a sum of Rs.2,50,000/- to the credit of Crime No.246 of 2018 before the learned Judicial Magistrate, Musiri and on such deposit the learned Magistrate shall accept the sureties.

[c] 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 for the interrogation.

[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 229A IPC.

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

TO

1. JUDICIAL MAGISTRATE, MUSIRI,
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
KATTUPUTHUR POLICE STATION.
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.G.ARAVINTHAN Advocate SR.No.12233

ORDER
IN
CRL OP(MD) No.9638 of 2019
Date : 24/07/2019

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PK/PN/SAR-2/06.08.2019 : 3P/6C