



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

Friday, the Eighth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.20442 of 2018

A.AROKIYADOSS

... PETITIONER / ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
THIDEER NAGAR POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.645/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.W.PAMELIN Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

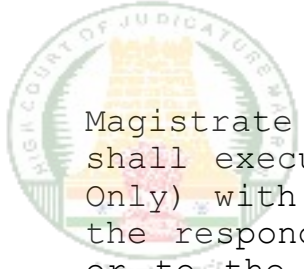
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 420 and 506 (ii) of IPC, in Cr.No.645 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on false promise as they will secure a job in the Aavin, the petitioner along with other accused persons obtained a sum of Rs.3,40,000/-. Among which, this petitioner received a sum of Rs.1,50,000/-. When the defacto complainant demanded to repay the same, the petitioner threatened the defacto complainant with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. She further submits that the petitioner already paid a sum of Rs.65,000/- to the defacto complainant and undertakes to repay the remaining amount.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the investigation is still pending.

5.Considering the facts and circumstances of this case, 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.V, Madurai 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 learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of Rs.85,000/- to the credit of the Crime number before the concerned Judicial Magistrate before execution of sureties.

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks, thereafter as and when required for 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 petitioners 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/-

08/02/2019

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

TO

1 THE JUDICIAL MAGISTRATE NO-V, MADURAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE,
THIDEER NAGAR POLICE STATION, MADURAI DISTRICT.

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

PS/JC/SAR-1/15.02.2019/2P/5C

ORDER

IN

CRL OP(MD) No.20442 of 2018

Date : 08/02/2019