



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.22840 of 2018

PERIYASAMY

... PETITIONER / ACCUSED No. 1

Vs

STATE REP. BY,
THE SUB INSPECTOR OF POLICE
KATTUPUTHUR POLICE STATION,
TRICHY DISTRICT
(CRIME NO.246/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.NATARAJAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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 420 and 506 (I) IPC in Crime No.246 of 2018, seeks anticipatory bail.

2. The case prosecution is that the accused persons having received a sum of Rs.9,60,000/- for getting a Government Job to the defacto complainant,thereafter they neither secured job nor repaid the amount and cheated the defacto complainant. Hence, the complaint.

3.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 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.4,60,000/- (Rupees Four Lakhs and Sixty Thousand only) to the credit of the crime number and the same may be disbursed to the defacto complainant.

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



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

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, 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 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.4,60,000/- (Rupees Four Lakhs and Sixty Thousand only), to the credit of the crime number. The learned Judicial Magistrate is directed to disburse the same to the defacto complainant after having verified the identity of the defacto complainant.

[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 /

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



TO

1 THE JUDICIAL MAGISTRATE
MUSIRI, TRICHY DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE SUB INSPECTOR OF POLICE
KATTUPUTHUR POLICE STATION,
TRICHY DISTRICT

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

+1. CC to MR.M.NATARAJAN Advocate SR.No.2435

ORDER

IN

CRL OP(MD) No.22840 of 2018

Date :05/02/2019

MSI/VR/SAR-III/13.02.2019-3P/6C