



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

Date : 16/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10612 of 2019

1.Moorthi @ Mandira Moorthy
2.Balasubramanian

... Petitioners/Accused No 1 and 2

Vs

The state rep by
The Inspector of Police,
City Crime Branch,
Tirunelveli City
Crime No.12/2019

... Respondent/Complainant

For Petitioners: M/s.R.Anand,
Advocate.

For Respondent : Ms.M.Anatha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Cr.No.12 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 418, 420, 465 and 468 of IPC, in Crime No.12 of 2019, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that after the dismissal of the previous anticipatory bail application in Crl.OP(MD)No.7351 of 2019, the petitioner is willing to deposit the entire alleged amount of cheating (Rs.50,00,000/-) to the credit of Crime number without prejudice to his contentions. He

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also filed an affidavit of the first petitioner, and therefore, he prayed anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) has submitted that since the first petitioner has come forward to deposit the entire amount of cheating (Rs.50,00,000/-), the Court may consider the anticipatory bail application of the petitioners.

5.Taking into consideration of the fact that the first petitioner has filed an affidavit that he will deposit a sum of Rs.50,00,000/- to the credit of Crime number before the concerned Judicial Magistrate, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are 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, No.I, Tirunelveli, Tirunelveli District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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]the first petitioner shall deposit a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) to the credit of Crime No.12 of 2019 before the learned Judicial Magistrate, No.I, Tirunelveli, Tirunelveli District, without prejudice to his defence within a period of two weeks.

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

[c] the petitioners shall report before the respondent Police, daily at 10.30 a.m for a period of one week and thereafter, as and when required for the interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners 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].



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CRL OP(MD) . No.10612 of 2019

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/08/2019

/ TRUE COPY /

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

TO

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

ORDER
IN
CRL OP(MD) No.10612 of 2019
Date :16/08/2019

DSS
TK/VR/SAR.3/16.08.2019/3P/5C