



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

Date : 28/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8253 of 2020

M.Rajesh

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
Cr.No.322 of 2020.

... Respondent/Complainant

For Petitioner : M/s.R.Rajesh,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.322 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-2 apprehending arrest at the hands of the respondent police for the offences punishable under section 420 of IPC, in Crime No.322 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that this petitioner is arrayed as A-2 and A-1 & A-2 are friends. A-1 has suppressed the fact that he was already a married man, he has developed illegal intimacy with the defacto complainant. The petitioner and A-1 said to have received 11 sovereign jewels from the defacto complainant for developing their business, subsequently, she was cheated and hence, the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side).

4. The learned counsel appearing for the petitioner would submit that, he is a friend of A-1 and he has only give an accommodation for A-1 and he has not received any jewels from the defacto complainant. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, submitted that A-1 & A-2 are friends and jointly have received 11 sovereign of jewels from the defacto complainant.

6. Considering the facts and circumstances of the case and considering the fact that the petitioner/A-2 said to have only gave an accommodation to A-1 and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Nagercoil, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]; and;



(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/08/2020

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/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
RAJAKKAMANGALAM POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8253 of 2020
Date :28/08/2020

KSA
SRS/ AKM/ SAR-III/ 02.09.2020/ 3P/5C