



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2020

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PRESENT

The Hon`ble Mr.Justice **V.BHARATHIDASAN**

CRL OP(MD) . No.8914 of 2020

Arunachalam

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
Crime No.192/2020.

... Respondent/Complainant

For Petitioner : M/s.D.Rameshkumar, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.192/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 apprehending arrest at the hands of the respondent police for the offences punishable under Section 294(b) and 420 of I.P.C., in Crime No.192 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner is that the petitioner is a trustee of a Temple Trust. The petitioner and the other accused persons have purchased the calendars from the defacto complainant press, namely, The Premier Printographs for a tune of Rs.7,97,713/- for the year 2017-2018. They failed to pay the said amount. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the other accused were trustee during the year 2018. The petitioner ordered the calendars through A3 and he

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came to know that A3 failed to pay the said amount to the defacto complainant. Now A2 and A3 were already granted bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner and others are said to have purchased the calendars from the defacto complainant, on failure to pay the amount, A3 also given an undertaking affidavit that he will pay the amount to the defacto complainant, thereby cheated the defacto complainant nearly a sum of Rs.8,00,000/-.

5.Considering the facts and circumstances of the case and also considering the fact that A2 and A3 were already granted anticipatory bail, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, Sivagangai District, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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)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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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.

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- TO
1. THE JUDICIAL MAGISTRATE, KARAIKUDI,
SIVAGANGAI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
KUNDRAKUDI POLICE STATION, SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8914 of 2020
Date :27/08/2020

MS/JC/SAR-2/01.09.2020/3P.5C