



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.11265 of 2020

P.Azhakar

... Petitioner/Accused -2

Vs

State by
The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
Crime No.43 of 2020.

... Respondent/Complainant

For Petitioner : M/s.M.Muneeswaran,
Advocate.

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

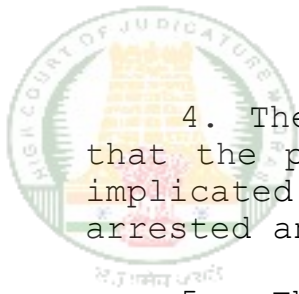
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C
PRAYER :- For Anticipatory Bail in Crime No.43 of 2020 on the file
of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A-2 apprehending arrest at the hands of the respondent police for the offences punishable under section 420 of I.P.C., in Crime No.43 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons have sold out household articles in cheaper rate to the defacto complainant, further they demanded him to pay a sum of Rs.21,600/- for purchasing things and also offered for gold coin and two-wheeler as prize. Believing the said words, the defacto complainant has paid a sum of Rs.21,600/-to the accused persons. After receipt of the said amount, the accused persons said to have cheated the defacto complainant. Hence, the complaint.

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



4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that A-1 was already arrested and released on bail. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the petitioner conspired with the hands of the first accused and committed crime. He further submitted that he demanded the defacto complainant by selling the household articles in cheaper rate and received a sum of Rs.21,600/-, further they also offered gold coin and two wheeler as prize for purchasing of things and thereby cheated a sum of Rs.21,600/-. He further submitted that A-1 was already enlarged on bail.

6. It is seen from the records that there are two accused persons in this case and the petitioner is arrayed as A-2. Both the accused persons said to have cheated the defacto complainant to the tune of Rs.21,600/-in respect of purchasing household articles. Further, the learned counsel appearing for the petitioner is willing to deposit the substantial amount to show their bonafidy.

7. Considering the fact and circumstances of the case and considering the submission of the learned counsel appearing for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Virudhunagar, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)with two blood sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

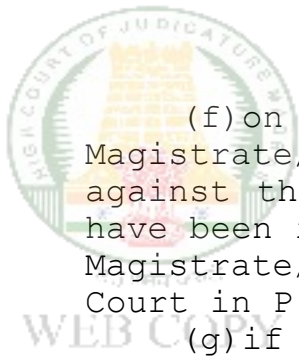
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.43 of 2020 before the concerned Magistrate Court, within a period of twelve weeks, without prejudice his rights before the trial Court and on such contribution being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., without fail for a period of Two weeks and 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



(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]; and;

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

sd/-

15/10/2020

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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.

TO

1. THE JUDICIAL MAGISTRATE, VIRUDHUNAGAR.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11265 of 2020

Date : 15/10/2020

KSA

AE/AKM/SAR-IV (28.10.2020) 3P 5C