



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2020

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PRESENT

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

CRL OP(MD). No.12135 of 2020

Muthu Kumar ... Petitioner/Accused No.5

Vs

State Rep. by
The Sub Inspector of Police,
Amathur Police Station,
Virudhunagar District.
Crime No. 21 of 2014. ... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu,
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.21 of 2014 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A-5 apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(b), 406, 409 & 420 of I.P.C., in Crime No.21 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had introduced the defacto complainant to A-1 and thereafter, the defacto complainant has purchased one property and A-1 promised to construct a building in that property. A sum of Rs.11,40,000/- sanctioned as a housing loan in favour of the defacto complainant and he came to know the fact that the house was not constructed in the place purchased by him and it was constructed in some other place. Hence, the complaint.

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



4.The learned counsel appearing for the petitioner submitted that, though this Court granted anticipatory bail, dated 20.03.2014 in Crl.OP(MD) No. 2039 of 2014 the petitioner failed to execute sureties. He further submitted that the petitioner went to other State for his livelihood. Hence, again he seeks anticipatory bail.

5. Heard the learned Government Advocate (criminal side) appearing for the respondent police.

6.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 on condition that the petitioner shall pay a sum of Rs.5,000/-(Rupees Five Thousand Only)as costs to the 'Chief Justice Relief Fund'.

7. 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 No.II, Virudhunagar, and on his executing 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 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 appear 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/-
02/11/2020

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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.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
 - 3 THE SUB INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-7241[I] dated 03/11/2020)

COPY TO:

THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12135 of 2020
Date :02/11/2020

ksa
JM/VR/SAR II/04.11.2020/3P/7C