



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2021

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PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD). No.1622 of 2021

Duraipandi

... Petitioner/Accused No.2

Vs

The State Rep. by
The Sub Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
Crime No.676/2019.

... Respondent/Complainant

For Petitioner : Mr.Jothi Basu.M,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

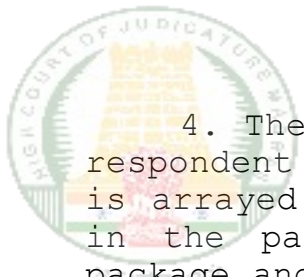
For Anticipatory bail in Crime No.676 of 2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) and 506(i) of IPC., in Crime No.676 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence, as alleged by the prosecution.



4. The learned Government Advocate (crl.side) appearing for the respondent Police, on instructions, would submit that the petitioner is arrayed as A2 in this case. The defacto complainant is engaged in the packaging business in the name and style of 'Universal package and he had approached A1, for purchasing a printing machine. In the business transaction, the accused cheated the defacto complainant to the tune of Rs. 1,25,00,000/-. He would further submitted that based on the complaint given by the defacto complainant a case in Crime No.676 of 2019, has been registered against the accused persons and pursuant to the registration of the case, the petitioner surrendered and remanded to judicial custody. Now, the investigation is almost completed.

5. It is seen that the petitioner is A2 in this case. Already A1 granted anticipatory bail by this Court in CrI.O.P(MD)No.16048 of 2020, on 31.12.2020 and A3 has been granted anticipatory bail in CrI.O.P(MD)No.1639 of 2019, on 12.09.2019. The defacto complainant is engaged in the packaging business in the name and style of 'Universal Package' and he had approached A1, for purchasing a printing machine. A3 is the brother of A1. The entire transaction taken place between A1, A3 and the defacto complainant. The petitioner is only a friend of A1. Due to procedure obstacles some of the payments were made to petitioner's account, which were immediately re-transferred / withdrawn and handed over to A1. Further, this petitioner was surrendered before the respondent police and latter, he was remanded to custody and he was released on bail on 29.03.2020 due to COVID-19 restrictions. The petitioner was let out on bail after 57 days in custody. In view of the same, finding that other accused has been granted bail and this petitioner had already been in prison for 57 days, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6. Accordingly, the petitioner is 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, Sivakasi, on condition that the petitioner shall execute 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 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/03/2021

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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 No.1, SIVAKASI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
SIVAKASI TOWN 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, (SR-2036[I] dated 12/03/2021)

ORDER

IN

CRL OP(MD) No.1622 of 2021

Date :11/03/2021