



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

Date : 02/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7685 of 2021

WEB COPY

S.Nedunchazhayan @ Nedungzleian ... Petitioner/2nd Accused

Vs

State rep by
The Inspector of Police,
K.Pudur Police Station,
Madurai City.
Crime.No.283 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Shankar Ganesh.R
Advocate.

For Respondent : Mr.Antony Sahaya Prabhakar,
Additional Public Prosecutor

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

PRAYER :-

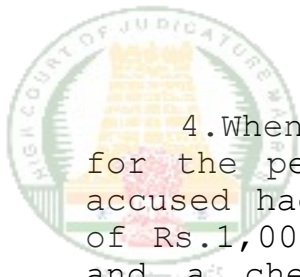
For Anticipatory Bail in Crime No.283 of 2021 on the file of
the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
406, 420 and 506(i) of IPC, in Crime No.283 of 2021, seeks
anticipatory bail.

2. Heard, the learned counsel for the petitioner, the learned
Additional Public Prosecutor (Crl.side) appearing for the respondent
police and the learned counsel for the intervenor.

3.The case of the prosecution is that the defacto complainant
is engaged in manufacturing health mix and selling. She knew the
first accused. The first accused told the defacto complainant that
her husband namely Nedunchelian is working as Conservator Inspector.
Both the accused told to the defacto complainant to form a group and
he would make arrangements for getting loan and it is not necessary
to repay the loan. On 01.10.2019, the defacto complainant paid a
sum of Rs.9,000/-. Totally a sum of Rs. 9,28,000/- was paid on the
promise made by the accused for getting loan. However, no amount was
paid to the defacto complainant and others. Therefore, this case has
been registered on the complaint given by the defacto complainant.



4. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the defacto complainant and the accused had entered into the compromise and also stated that a sum of Rs.1,00,000/- was paid to the defacto complainant on 28.06.2021 and a cheque for Rs.4,00,000/- was also given to the defacto complainant. It is also mentioned that the quash petition to be filed for quashing FIR.

5. The learned counsel for the intervenor submitted that the parties have reached a settlement.

6. Taking into consideration the facts and circumstances of the case, the compromise reached 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate VI, Madurai, 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 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, daily at 10.30 a.m., until further orders;

[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]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
02/07/2021

/ TRUE COPY /

/ /2021



1. THE JUDICIAL MAGISTRATE VI, MADURAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI CITY.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.DICTUM LAW FIRM, Advocate (SR-4325[I]dated
05/07/2021)

ORDER
in
CRL OP (MD) No.7685 of 2021
Date : 02/07/2021

VB/MNR/SAR.V/06.07.2021/3P/6C