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

Date : 18.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.8249 of 2021

D.J.Santha Ram

... Petitioner/Accused
(Rank not known)

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Ramanathapuram,
Ramanathapuram District.
(In Crime.No.23 of 2021).

... Respondent/Complainant

For Petitioner : M/S.R.Shankar Ganesh, Advocate
for M/S.DICTUM LAW FIRM

For Respondent : M/S.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.23 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 465, 468, 471 and 420 in Crime No.23 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is working as a Junior Assistant in the District Fire Office at Ramanathapuram District. The petitioner and others have approached one Kuppan at Villupuram District for loan. The said Kuppan directed them to pay some amount and cheated them. Hence, the petitioner preferred



complaint as against the said Kuppan. However, no action was taken. Therefore, the petitioner and others have created a letter as if the Superintendent of Police issued a direction to the Indian Bank Manager to freeze the bank account of the said Kuppan. Hence, the present case has been registered.

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3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondent police.

5.It is seen that initially the petitioner herein was not shown as an accused. Now he is also arrayed as an accused. Though the case was registered on 01.06.2021, the petitioner has not been apprehended. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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 No.II, Ramanathapuram 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily Morning at 10.30 am., and Evening at 05.00 pm., until further orders.

[c]the petitioner shall not tamper with the 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
18/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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.II,
RAMANATHAPURAM.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.DICTUM LAW FIRM Advocate SR.No.5529

ORDER
IN
CRL OP (MD) No.8249 of 2021
Date :18/08/2021