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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.9601 of 2021

Paulose Kutty N.K.

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Central Crime Branch,
Madurai City,
Madurai.
(Crime No.21 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Brijesh Kishore B, Advocate.

For Respondent : M/s.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervenor : M/s.R.Parthiban, Advocate for
M/s.Rajaraman, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.21 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 Section
420 of IPC, in Crime No.21 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has
availed the services of the defacto complainant and cheated to the
tune of Rs.94,60,678/-. Therefore, the present case came to be
registered.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. However, to show his bonafide, the petitioner is ready to deposit a sum of Rs.20,00,000/- to the credit of Crime No.21 of 2021.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and his willingness to pay a sum of Rs.20,00,000/-, 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.1, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 at 10.30 a.m., until further orders.

[c]the petitioner shall deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) to the credit of Crime No.21 of 2021 before the learned Judicial Magistrate Court No.1, Madurai.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[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]**.



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

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Sd/-
30/09/2021

/ TRUE COPY /

/ /2021

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

TTA

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.I,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.BRIJESH KISHORE.B, Advocate SR.No.6867

+1. CC to M/S.RAJARAMAN, Advocate SR.No.30834

ORDER
IN
CRL OP(MD) No.9601 of 2021
Date :30/09/2021