



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

Date : 23/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP (MD) No.9842 of 2021

1.Rathinaprakash
2.Nanthini

... Petitioners/Accused Nos. 2 & 4

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Sivagangai District.
Crime No.1 of 2021

... Respondent/Complainant

For Petitioners : Mr.K.KRISHNA, Advocate.

For Respondent : Mr.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 469, 471, 294(b), 506(i), 420 and 120(B) IPC and Section 24 of Immigration Act in Crime No.1 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused received money to the tune of Rs.17,05,000/- from many victim on the promise of getting job and cheated them. Therefore, the present case came to be registered.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they did not commit



any offence as alleged by the prosecution. He further submitted that A1 was arrested and thereafter, released on statutory bail. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the second petitioner is alleged to have received money from the victims on the promise of getting job and cheated to the tune of Rs.17,05,000/-. He conceded that A1 was arrested and released on statutory bail.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court-II, Sivagangai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners 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 petitioners shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
23/07/2021

/ TRUE COPY /

/ /2021
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. II
SIVAGANGAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

+2. CC to Mr.K.Krishna, Advocate SR.No.4815

ORDER
IN
CRL OP(MD) No.9842 of 2021
Date :23/07/2021

SA/JC/SAR.2/27.07.2021/3P/7C