



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

Date : 25.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11406 of 2021

WEB COPY

1.Ramdoss

2.Selvi @ Muthuselvi

... Petitioners/Accused 1 & 2

Vs

State rep by.

The Inspector of Police (Crime)

Thallakulam Police Station,

Madurai City.

(Crime No.958 of 2015)

... Respondent/Complainant

For Petitioners : Mr.Sathish Kumar.K

For Respondent : Mr.T.Senthil Kumar

Government Advocate (Crl.Side)

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

PRAYER: -

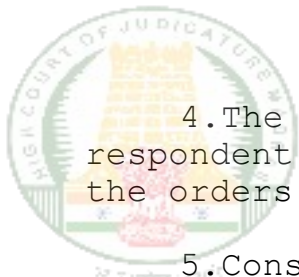
For Anticipatory Bail in Crime No. 958 of 2015 on the file of the respondent Police.

ORDER : The Court made the following order:

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 420 IPC seek anticipatory bail.

2.The case of the prosecution is that the petitioners have obtained money from the defacto complainant for getting him a job in a particular place, instead he was placed in some other place. Hence, the complaint.

3.The learned counsel for the petitioners submits that this is the second anticipatory bail application. The petitioners were granted anticipatory bail in Crl.O.P(MD)No.10866 of 2020 by order dated 06.10.2020 with condition to produce sureties within a stipulated time. However, due to Covid-19 pandemic situation, the petitioners were unable to produce sureties within the stipulated time and therefore, they filed an application for extension of time in Crl.M.P(MD)No.11406 of 2021, but the same was dismissed on 26.07.2021. Therefore, the petitioners have filed this second anticipatory bail petition.



4.The learned Government Advocate (Crl Side) appearing for the respondent police submitted the petitioners have not complied with the orders of this Court.

5.Considering facts and circumstance of the case, the nature of allegations levelled against the petitioners and the fact that already the petitioners have already been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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 No.2, Madurai 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police as and when required.

[c]the petitioners shall not tamper with the 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.

// True Copy //

/ /2021

Sub Assistant Registrar(CS III)



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.

WEB COPY

TO

- 1.The Judicial Magistrate No.2,
Madurai.
 - 2.Do-Through The Chief Judicial Magistrate,
Madurai
 - 3.The Inspector of Police (Crime)
Thallakulam Police Station,
Madurai City.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1CC to Mr.K.Sathish Kumar, Advocate (SR-5731)

CRL OP (MD) No.11406 of 2021

25.08.2021

RS/SKN/SAR3 (08.09.2021) 3P 6C