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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

CRL OP (MD) No.11209 of 2021

M.Jeyaraj

... Petitioner/Accused No.1

-vs-

State rep.by,
The Inspector of Police,
District Crime Branch,
Madurai District.
(Crime No.19 of 2010)

... Respondent / Complainant

For Petitioner :M/s.S.Balaji, Advocate

For Respondent :M/s.S.Ravi
Addl.Public Prosecutor

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

PRAYER:

For Anticipatory Bail in Crime No.19 of 2010 on the file of the respondent police.

ORDER: The Court made the following order :-

The Petitioner / A1, who apprehends arrest at the hand of the respondent police for the alleged offence punishable under Sections 406 and 420 of IPC., in Crime No.19 of 2010, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused said to have formed a Society called, "Tamilnadu All Producers Welfare Association" and collected money from the defacto complainant in the year 2005, on the promise to arrange loan. Thereafter, they have also collected original documents. Since the accused did not keep their words, based on the complaint given by the defacto complainant, the crime was registered in the year 2010.



3. Mr.S.Balaji, the learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he is has been falsely implicated in the offence, hence, prayed for anticipatory bail in favour of the petitioner.

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4. Mr.S.Ravi, the learned Additional Public Prosecutor appearing for the respondent Police, on instructions, would submit that the petitioner along with other accused formed a Society called, "Tamilnadu All Producers Welfare Association" and collected money from the defacto complainant in the year 2005, on the promise to arrange loan. Thereafter, they have also collected original documents. Since the accused did not keep their words, based on the complaint given by the defacto complainant, the crime was registered.

5. I have heard the learned counsels appearing on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and also considering the fact that the occurrence said to have taken place in the year 2005, for which, the complaint has been given in the year 2010, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;-

7. 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.I, 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 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, as and when required, for interrogation.

[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/-
02/11/2021

/ TRUE COPY /

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

MPK

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.1,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.BALAJI S Advocate SR.No.7884

ORDER
IN
CRL OP(MD) No.11209 of 2021
Date :02/11/2021