



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.08.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11228 of 2021

1.Somasundaram

2.Selvi ... Petitioners/Accused No.1 and 2

Vs

The State Represented by
The Inspector of Police,
District Crime Branch,
Sivagangai District.
[Crime No.17 of 2021]

... Respondent/Complainant

For Petitioners : Mr.Ilayaraja,
Advocate.

For Respondent : Mr.T.Senthilkumar
Government Advocate (Crl.Side)

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

PRAYER :-

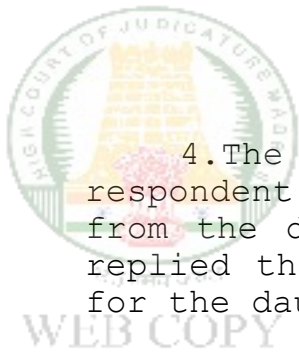
For Anticipatory bail in Crime No.17 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 420 IPC in Crime No.17 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners under the guise of arranging a job for the defacto complainant's daughter obtained Rs.2,50,000/- from the defacto complainant in the year 2016.

3.The learned counsel for the petitioners submits that the petitioners borrowed Rs.1,50,000/- from the defacto complainant and they have already repaid Rs.1,34,000/- on the direction of the respondent. However, the defacto complainant demands more amount.



4.The learned Government Advocate (Crl.side) appearing for the respondent submitted that originally the petitioners borrowed money from the defacto complainant and when the same was demanded, they replied that the money was given to a politician for getting a job for the daughter of the defacto complainant.

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

6.Accordingly, these criminal original petitions are 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.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 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 learned 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.

sd/-
25/08/2021

/ 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.

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- 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.

ORDER
IN
CRL OP(MD) No.11228 of 2021
Date :25/08/2021

dsk

SS/JC/SAR-IV/06.09.2021 : 3P/5C