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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/10/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).Nos.11231 and 11244 of 2021

Abithabegam

... Petitioner/Accused No.2
IN Crl.O.P(MD).No.11231 of 2021

1.Alavudeen

2.Jahirhussain

... Petitioners/Accused Nos.1 & 3
IN Crl.O.P(MD).No.11244 of 2021

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Karur District
(Crime No. 6 of 2021)

... Respondent/Complainant
IN Both the Petitions

For Petitioners : Mr.AN.RAMANATHAN, Advocate
(In Crl.O.P(MD).No.11231 of 2021)

For Petitioners : Mr.N.MAHENDRA BABU, Advocate
(In Crl.O.P(MD).No.11244 of 2021)

For Respondent : Mr.T.SenthilKumar,
Government Advocate(Crl.side)
(In Both the Petitions)

For Intervenor : Mr.K.VAMANAN, Advocate
In Both the Petitions

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

COMMON PRAYER IN CRL OP(MD).Nos.11231&11244/2021:-

For Anticipatory Bail in Crime No. 6 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 420 and 109 of IPC, in Crime No.6 of 2021, seek anticipatory bail.



2.The case of the prosecution is that the petitioners along with other accused under the guise of getting a job to the defacto complainant has obtained Rs.42,00,000/- and cheated. Hence, the complaint.

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3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.On 09.09.2021, the learned counsel for the petitioners as well the defacto complainant submitted that there was a possibility of settling the issue by the Mediation and Conciliation Centre. Hence, these cases were posted before the mediation centre and the parties have appeared before the Mediator and the mediator has also filed a report before this Court.

5.Today, when the matter is taken up for hearing, the learned counsel for the petitioners submitted that the dispute between the petitioners as well the defacto complainant has amicably been settled and the petitioners have agreed to pay a sum of Rs.25,00,000/- to the defacto complainant and five others in three installments, to that effect they have filed an affidavit before this Court. The relevant paragraph from the affidavit is extracted as follows:-

"I respectively submit that I am ready to repay a sum of Rs.25,00,000/-(Rupees Twenty Five Lakhs) as full and final settlement to the defacto complainant and 5 others in 3 installments as follows:-

1st Installment:-

Rs.6,00,000/-(Rupees Six Lakhs) to be paid on or before 25.10.2021.

2nd Installment:-

Rs.9,00,000/-(Rupees Nine Lakhs) to be paid on or before 25.11.2021.

3rd Installment:-

Rs.10,00,000/-(Rupees Ten Lakhs) to be paid on or before 25.12.2021.

I respectfully submit that the above installments will be paid to the defacto complainant and 5 others by way of Demand Draft. On receiving the entire amount the defacto complainant shall co-operate to close the FIR in Crime No.6 of 2021 on the file of the first respondent. On receiving the above said Rs.25,00,000/- the defacto complainant and 5 others do not have any further claim against me."

6.Heard the learned Government Advocate(Crl.side) appearing for the respondent police and perused the report filed by the mediator.



7.Considering the facts and circumstances of the case, the affidavit filed by the petitioners and the report of the mediator, this Court is inclined to grant anticipatory bail to the petitioners.

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8.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.II, Kuzhithalai, Karur District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 appear before respondent police on every Saturday at 10.30 a.m., until further orders.

[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/-

21/10/2021

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/ /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
KUZHITHALAI, KARUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KARUR DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) .Nos.11231
and 11244 of 2021

Date :21/10/2021

SA/JM/SAR.3/27.10.2021/4P/5C