



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.09.2021

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PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13419 of 2021

1.Raju Bhai @ Rajan
2.Kumar @ Rajeshkumar ... Petitioners/Accused No.3 & 4

Vs

State Rep. by
The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
(Crime No.325/2021). ... Respondent/Complainant

For petitioners : Mr.A.K.Azagarsami
Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail Crime No.325 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.3 & 4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 406 & 420 of I.P.C, in Crime No.325 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a shop at Sattur. These petitioners/A1 and A2 along with two accused persons approached him saying that they will arrange loan amount of Rs.25 lakhs to the defacto complainant to develop his business. For getting him loan, the defacto complainant has to give a sum of Rs.5 lakhs as commission to them. Believing their words, the defacto complainant has given a sum of Rs.25,000/- to them for getting loan. However, after receiving the above said amount, they

<https://helpline.mca.gov.in>



committed criminal breach of trust and cheated the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons. They have not involved in any offence as alleged by the prosecution and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that investigation is yet to be completed.

6.Considering facts and circumstances of the case, the nature of allegation levelled against the petitioners and grant of bail to the co-accused, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

5.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or 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, Sattur, 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 daily at 10.30 a.m.

(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]***; and;



(f) if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

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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, Sattur.
2. Do Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputtur.
3. The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.13419 of 2021
Date : 16.09.2021

TR/JGB/SAR-IV(16.09.2021) 3P 5C