



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

Date : 22/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.14563 of 2021

WEB COPY

Prakash,
Wrongly Mentioned in FIR as Prakash
(Harihara Vignesh),

... Petitioner/Accused No.1

Vs

State Rep. By
The Inspector of Police,
District Crime Branch,
Trichy.
(in Crime No.7/2021).

... Respondent/Complainant

For Petitioner : M/s.Rajiv Rufus.V,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.7 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 467, 468 and 294(b) of IPC, in crime No.7 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has received a sum of Rs.5,00,00/- each from three persons including the defacto complainant stating that he would arrange a job, but, he did not arrange the job and he cheated the defacto complainant and others. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner got information that some persons including one Rajaram are providing job to the Youths in the BHEL by getting amount and the defacto complainant. A written statement was passed by the petitioner to the brother of the defacto complainant. Apart from that, he has not received any amount from the defacto complainant. He further submitted that the



petitioner is an innocent person and he has been falsely implicated in this case. Since the petitioner is working as a Manager in a private Company, the defacto complainant is trying to grab amount from the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent strongly opposed to grant anticipatory bail to the petitioner on the ground that the investigation is yet to be completed.

5.Considering the submission made by the learned counsel for the petitioner, this Court by an earlier order dated 29.09.2021, granted interim anticipatory bail to the petitioner enabling him to appear before the respondent police for the period of two weeks and co-operate for the enquiry and also directed the respondent police to file a report before this Court on the next hearing.

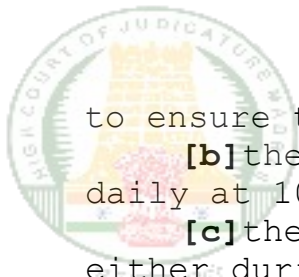
6.Today i.e on 22.10.2021, when the matter is taken up for hearing, the respondent Police has filed a report stating that the petitioner has appeared before them and given a statement that he has collected the money on behalf of Rajaram and handed over the same to the said Rajaram. The fact remains that apart from the defacto complainant, two other victims have also lost their money at the hands of the accused.

7.At this stage, the learned counsel for the petitioner claims that the petitioner is acted only as agent on behalf of the defacto complainant. Except that, he is nothing to do with the alleged occurrence. However, to show his bona fide, the petitioner has come forward to pay a sum of Rs.5,00,000/- to the credit of Crime No.7 of 2021.

8.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner and his willingness to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.7 of 2021, this Court is inclined to grant anticipatory bail to the petitioner.

9.Accordingly, this criminal original petition is allowed on condition that the petitioner shall pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.7 of 2021 before the learned Judicial Magistrate-I, Trichy, Trichy District. On such deposit, 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-I, Trichy, Trichy District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

<https://hcservices.courtsofmadras.org/hcservices/> 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 the respondent police daily at 10.30 a.m., until further orders.

[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.

sd/-
22/10/2021

/ TRUE COPY /

/ /2021
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-I,
TRICHY, TRICHY DISTRICT
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, TRICHY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.14563 of 2021
Date :22/10/2021