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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16064 of 2021

Ravindranath

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Palamkottai Police Station,
Tirunelveli City.
(Crime No.283 of 2021).

... Respondent/Complainant

For Petitioner : M/s.M.Jagadesh Pandian, Advocate.
for M/s.T.Sugadev, Advocate.

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

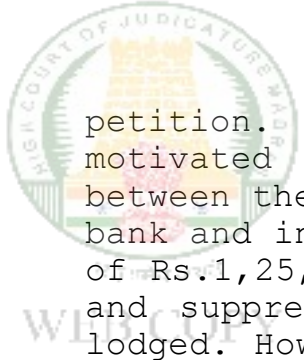
For Anticipatory Bail in Crime No.283 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 420 I.P.C, in Crime No.283 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner received a sum of Rs.2,50,000/- from the defacto complainant by giving a false promise that he would arrange job for his son. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and this is the second anticipatory bail



petition. The allegation levelled as against the petitioner is a motivated one. In fact earlier, there was a money transaction between the father of the petitioner and defacto complainant through bank and in person. The petitioner's father has already repaid a sum of Rs.1,25,000/- and now the petitioner's father died on 24.04.2021 and suppressing the said fact, the present complaint came to be lodged. However, to show his bona fide, the petitioner has filed an affidavit before this Court, wherein he has stated that he is ready to settle the dispute by settling the entire sum of amount of Rs.2,50,000/- and now, he prepared to pay sum of Rs.50,000/- to the defacto complainant by way of demand draft bearing D.D.No.015710 dated 26.10.2021 and he will ensure that he will settle the balance amount of Rs.2,00,000/- lakhs within a period of two months time. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that the the investigation is yet to be completed.

5.Considering the nature of offence, the affidavit of undertaking filed by the petitioner and his readiness to settle the issue, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 Court No.I, Tirunelveli 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:

[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 the 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

<https://hcservices.ecourts.gov.in/hcservices/>



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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7.If the petitioner fails to make the payment to the defacto complainant as undertook before this Court, the respondent police shall move an application for cancellation of bail.

Sd/-

26/10/2021

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

PNM/msa

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 COURT
NO.I, TIRUNELVELI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
PALAMKOTTAI POLICE STATION,
TIRUNELVELI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.16064 of 2021

Date :26/10/2021