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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD).No.18044 of 2021

Shanmugavel @ sanmugavel ... Petitioner/Accused No.3

Vs.

State rep.by

The Inspector of Police,
Thiruverambur Police Station,
Trichy District.

(Crime No.2381 of 2020)

... Respondent/Complainant

For Petitioner : M/s.Jegadeeshpandian.M, Advocate.

For Respondent : M/s.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.2381 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 120(B) and 406 IPC., in Crime No.2381 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant Kandasamy, was working as Technical Mechanist, Valve Production Unit, B.H.E.L., Trichy and retired from service on 24.11.2009. The Accused Nos.1, 2, 4 and 5 have approached the de-facto complainant and looted a sum of Rs.15,75,000/- on various dates between 2005 to 2006, by giving false promise. Hence the complaint.



3.The learned counsel for the petitioner submitted that the allegations leveled against the petitioner is false and the same is motivated one. In fact, the petitioner is also one of the victims at the hands of prime accused No.6 and the petitioner is not the king pin in the above case. He further submitted that at present the petitioner is blind and he could not move without the help of others. Since the occurrence took place in the year 2005, his custodial interrogation is not required.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that A1 was already arrested and released on bail and A4 was granted anticipatory bail and A2 and A5 were reported to be dead and A6 is an absconding accused.

5.Considering facts and circumstances of the case and considering the nature of the charges alleged against the petitioner and also the fact that the petitioner is a visually challenged person having 100% disability, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Trichy, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 06.00 p.m. for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with 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]**; and;



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

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Sd/-
18/11/2021

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/ /2021

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

vsd

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.VI,
TRICHY.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUVERAMBUR POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JEGADEESH PANDIAN M Advocate SR.No.8291

ORDER
IN
CRL OP (MD) No.18044 of 2021
Date : 18/11/2021