



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/12/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.18436 of 2021

Dipak @ Deepak

... Petitioner/Sole Accused

Vs

The state represented by
The Inspector of Police,
Thazhamuthu Nagar Police Station,
Thoothukudi District..
Cr.No.600/2020

... Respondent/Complainant

For Petitioner : M/s.R.ANAND RAJ, Advocate for
Mr.Suyambulinga Bharathi.K,
Advocate.

For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 600 of 2020 on the file of
the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
406, 420 and 506(ii) IPC in Crime No.600 of 2020, on the file of the
respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the defacto
complainant entered into an agreement with the petitioner on
13.01.2019 for construction of a house to the tune of
Rs.14,19,500/-. The defacto complainant paid a sum of
Rs.11,17,000/-. The petitioner did not use the quality materials and
demanded some more money.

4.In earlier occasion, as requested by the learned counsel
for the petitioner, the matter was referred to mediation and
thereafter, the petitioner has not taken any steps to resolve the
issues. The matter is kept pending for the past seven months. Hence,
the petition filed by the petitioner earlier, seeking anticipatory



bail was dismissed on 17.09.2021 with liberty to file a fresh application. Accordingly, the present petition is filed.

5.Considering the nature of offence involved in this case, this Court is inclined to grant anticipatory bail to the petitioner.

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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 Judicial Magistrate Court No.II,Tuticorin, 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 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 respondent police as and when required.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/12/2021

/ TRUE COPY /

/ /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.

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
TUTICORIN.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3 THE INSPECTOR OF POLICE
THAZHAMUTHU NAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.18436 of 2021

Date :02/12/2021

VRN

SS/JC/SAR-III/06.12.2021 : 3P/5C