



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2021

PRESENT

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.OP(MD)No. 20035 of 2021

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Kannan

... Petitioner/Accused
Rank Not Known

-vs-

State represented by,
The Inspector of Police,
CCD III,
Virudhunagar District.
(in Crime No.06 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.MARAN, Advocate

For Respondent : Mr.RMS.SETHURAMAN, Additional Public Prosecutor

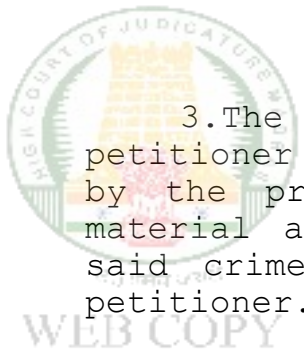
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.06 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 420, 465 of IPC and r/w 66 (D) of Information Technology (Amendment) Act 2008, in Crime No.06 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 01.08.2021, the *defacto* complainant bought mask and clothes from the salesman, who was selling nearby her house and he informed the *defacto* complainant that he will give gift to the purchaser, also he got her phone number. The very same day, she received a phone call and informed that she won a hotbox as gift, for that she was demanded to pay a sum of Rs.1,000/-. She also paid the said amount and received the hotbox. Again she received a phone call and informed that she won a gold coin and a two wheeler as gift, for that she was demanded to pay a sum of Rs.18,000/-. She also paid the said amount on 02.08.2021 in the Union Bank Account No.563302010006916. On 03.08.2021, she was informed that the alleged two wheeler was trapped by the Melur check post and she was demanded Rs.15,600/- to get back the two wheeler. On 03.08.2021, she deposited the said amount in the Union Bank Account No.563302010006916. On 04.08.2021, she received a phone call and informed that the alleged two wheeler was in the custody of the traffic police and demanded a sum of Rs.13,400/-, to get back the said two wheeler. Again, on 05.08.2021, she deposited the said amount in one Subbaiah's Union Bank Account number and thereafter she could not able to contact the said person. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and has not committed any offence as alleged by the prosecution. He would further submit that there is no material against the petitioner regarding his involvement in the said crime and that a false case has been foisted against the petitioner. Hence, he seeks for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that totally Rs.48,000/- was cheated by the accused and out of Rs.48,000/-, Rs.45,000/- was recovered and only balance amount of Rs.3,000/- has to be recovered and that the petitioner is not having any previous case.

5. The earlier anticipatory bail application was dismissed in Crl.O.P(MD) No.18140 of 2021, vide order dated 19.11.2021.

6.Considering the facts and circumstances of the case and also considering the nature of the charges levelled against the petitioner, and taking note of the facts that the petitioner has no previous cases for similar or serious offence, and that except Rs.3,000/- remaining amount has already been recovered, this Court is inclined to grant anticipatory bail to the petitioner.

7.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 No.1, Virudhunagar, 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 Judicial Magistrate No.1, Virudhunagar and on further conditions that:

[a] the petitioner shall deposit a sum of Rs.5,000/- [Rupees Five Thousand only] to the credit of Crime No.6 of 2021 before the trial Court, within a period of two weeks from the date of receipt of the order copy.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].
[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
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/ 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.

TO

1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
CCD III,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.MARAN.M, Advocate SR.No.9470

**ORDER
IN**

CRL OP(MD) No.20035 of 2021
Date :20/12/2021

SA/JM/SAR.2/28.12.2021/3P/6C