



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

Date : 16/02/2022

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD). No.1760 of 2022

1. S.Prashnave
2. S.Hosimin

... Petitioners/Accused  
(Rank Not Known)

Vs

State Rep.by  
The Inspector of Police,  
District Crime Branch,  
Trichy District.  
(Crime No.4/2022).

... Respondent/Complainant

For Petitioners: M/s.Selvanayagam.D,  
Advocate.

For Respondent : Mr.M.Muthumanikkam,  
Government Advocate (Crl.Side)

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

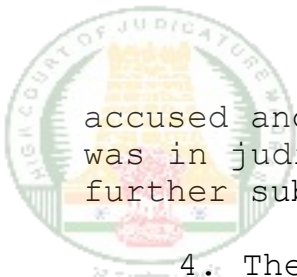
PRAYER :- For Anticipatory Bail in Crime No. 4/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 I.P.C., in Cr.No.4 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the second accused had approached the defacto complainant by stating that he would get a Government Job, if she paid a sum of Rs.5,00,000/- to the first accused and his brother and the defacto complainant had paid the said amount to the first accused and his brother and that thereafter, they have not secured the job for the defacto complainant as promised by them and they have also refused to refund the amount received from the defacto complainant. Hence, the present complaint.

3. The learned Counsel for the petitioner would submit that the entire amount involved was received by one Sivakumar, but the amount was credited to the bank accounts of the petitioners and another person, and the said Sivakumar was not at all arrayed as an



accused and that the petitioner came to know that the said Sivakumar was in judicial custody in connection with some other case. He would further submit that the petitioners' brother had committed suicide.

4. The learned Government Advocate (Crl.Side) appearing for the State would submit that the total amount involved is Rs.10,00,000/- and in F.I.R., it has been stated that Rs.5,00,000/- was allegedly received.

5. The learned Counsel for the petitioners would submit that without prejudice, the petitioners are ready to deposit 50% of the amount shown in the F.I.R., ie., Rs.2,50,000/- within a period of two weeks as ordered by this Court. He has also filed an affidavit sworn by the first petitioner.

6. The learned Government Advocate (Crl.Side) appearing for the State would submit that they are taking steps to find out the involvement of the said Sivakumar in the alleged transactions.

7. Considering the above facts and circumstances and also taking note of the fact that the petitioners have given an undertaking affidavit to deposit Rs.2,50,000/- into Court and that the petitioners did not have any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners, but with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Trichy, on condition that the petitioners 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners are directed to deposit Rs.2,50,000/- to the credit in Crime No. 4 of 2022 before the learned Judicial Magistrate No.I, Trichy Court within a period of 15 days from the date of receipt of a copy of this order and on such deposit the learned Magistrate shall accept the sureties;

(b) the petitioners 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;

(c) the petitioners shall report before the respondent police daily at 10.30a.m., for period of one month and thereafter as and



(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

WEB COPY (f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

sd/-

16/02/2022

/ TRUE COPY /

/ /2022

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

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-1223[I] dated 17/02/2022 )

ORDER

IN

CRL OP(MD) No.1760 of 2022

Date :16/02/2022

SSL

MS/JM/SAR-4/23.02.2022/3P.6C

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