



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.2843 of 2022

A.Ignatious Anthony @ Vicky, ... Petitioner/Accused

Vs

THE STATE REP BY,
The Inspector of Police,
Karur Town Police Station,
Karur District.
(Crime No. 90 of 2022).

... Respondent/Complainant

MATHIVANAN

...Intervener/Defacto Complainant
in CRL MP(MD)No. 3327 OF 2022

For Petitioner : Mr.S.Deepan Uday,Advocate.

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

For Intervenor : Mr.S.Lawrence Vimalraj,Advocate
in CRL MP(MD)No. 3327 OF 2022

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

PRAYER :-

For the Anticipatory Bail in Crime No. 90 of 2022 on the file of the Karur Town Police Station.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 IPC, in Crime No.90 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 24.01.2022, one Rafiq @ Ravi introduced the petitioner to the defacto complainant to get smuggled gold from Tuticorin, for which he had given a sum of Rs.9 lakhs to the petitioner, thereafter, the petitioner has neither returned the money nor gold to the defacto complainant and thereby, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner, wherein the petitioner has specifically stated that to show his *bonafide*, he is ready to deposit the disputed amount of Rs.7 lakhs before the trial Court.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the investigation is pending.

6.Considering the above facts and circumstances of the case and also taking note of the undertaking affidavit filed by the petitioner and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is directed to deposit a sum of Rs.7,00,000/- before the learned Judicial Magistrate No.I, karur, to the credit of Crime No.90 of 2022 without prejudice to his rights and contentions within a period of three weeks from the date of receipt of a copy of this order.

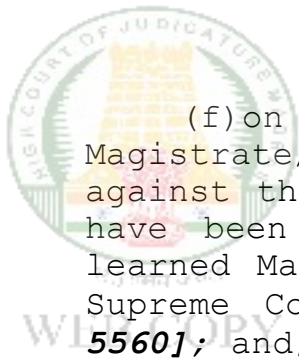
8.On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, karur, on condition that the petitioner shall execute a bond for 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 learned 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 daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

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,
KARUR
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

+1 CC to M/s.LAWRANCE VIMAL RAJ, Advocate SR-2849[I]

+1 CC to M/s.DEEPAN UDAY, Advocate SR-15562[F]

ORDER

IN

CRL OP(MD) No.2843 of 2022

Date :30/03/2022

PKP/SVR/SAR-3/05.04.2022/3P/7C