



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3312 of 2022

Suriya

... Petitioner/Accused -Sole

Vs

The State rep.by,
The Inspector of Police,
Srirangam Police Station,
(*)Trichy District.
Crime No.1033 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Vivek Kumar,
Advocate.

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

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

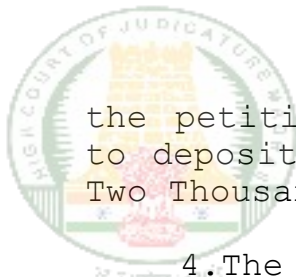
PRAYER :-For Anticipatory Bail in Crime No.1033 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417 and 420 of IPC, in Cr.No.1033 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner approached the de-facto complainant and introduced himself as an employee in the Human Rights Commission and assured her that he will secure a job in Post Office and demanded a sum of Rs.2,50,000/-. Believing his words, the de-facto complainant has handed over 7 sovereigns of jewels to the petitioner, that the petitioner pledged the said jewels in Thiruvarambur Pawn Shop and without handing over the pledged receipts, he deposited a sum of Rs.1,65,000/- in his account and that thereafter, he escaped from the place. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that in order to show his *bona fide*, he is ready and willing to deposit a sum of Rs.82,500/- and he also filed an affidavit sworn by



the petitioner, wherein the petitioner has specifically undertaken to deposit 50% of the claim amount i.e. Rs.82,500/- (Rupees Eighty Two Thousand and Five Hundred only) before the Jurisdictional Court.

4.The learned Government Advocate (Crl. side) would submit that the petitioner is having one previous case for similar offence.

5.At this juncture, the learned counsel for the petitioner would submit that the matter was already settled, that the parties have also entered into compromise and that they are going to file necessary application before the concerned Court.

6.Considering the above facts and circumstances and also taking note of the undertaking affidavit given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is directed to deposit a sum of Rs.82,500/- (Rupees Eighty Two Thousand and Five Hundred only) before the learned Judicial Magistrate cum District Munsif Court, Srirangam, Trichy District, to the credit of Crime No.1033 of 2021 without prejudice to his rights and contentions within a period of two 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 before the learned Judicial Magistrate cum District Munsif Court, Srirangam, Trichy District, 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 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 10.30 am 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



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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09/03/2022

(*)Cause Title Amended vide order dated 08/04/2022 made in CRL MP(MD)No. 4465 of 2022 in CRL OP(MD)No. 3312 of 2022

Further two weeks time is granted to the petitioners to comply with the conditions imposed by this Court from the date of receipt of a copy of this order as last chance.

/ 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

TO BE SUBSTITUED WITH THE ORDER DATED 09/03/2022 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE,

CUM DISTRICT MUNSIF COURT, SRIRANGAM,
TRICHY DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE

SRIRANGAM POLICE STATION, TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.M.VIVEK KUMAR, Advocate (SR-3293[I] dated 12/04/2022)

ORDER

IN

CRL OP(MD) No.3312 of 2022

Date :09/03/2022

SJI

MK/PN/SAR.III/16.03.2022/3P/6C

das

PKP/JM/SAR-4/19.04.2022/3P/6C

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