



WEB COPY

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

Date : 19/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5817 of 2022

C.Ramesh

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Manikandam Police Station,
Trichy District.
(Crime No.33/2022).

... Respondent/Complainant

For Petitioner : M/s.Karthick Rajan R, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.33/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 294(b) and 506(1) IPC, in Crime No.33 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant gave a sum of Rs.1,30,000/- to the first accused to buy a house in the Nagamangalam Housing Board, but the first accused deceived the defacto complainant and when the defacto complainant questioned the same, the first accused along with the petitioner attacked the defacto complainant and also abused him in filthy language. Hence, the complaint.



3.No doubt, the petitioner's earlier petition for anticipatory bail was dismissed by this Court in CrI.OP(MD)No.3301 of 2022, dated 16.02.2022.

4. The learned counsel for the petitioner would submit that after dismissal of the above petition, the first accused was arrested and he was released on bail by the learned Principal District and Sessions Judge, Trichy, in Cr.M.P.No.914 of 2022, dated 07.03.2022. He would further submit that the learned Sessions Judge has directed the first accused to deposit a sum of Rs.65,000/- and as such, the petitioner is also ready and willing to deposit the same amount of Rs.65,000/- as deposited by the first accused into the crime number, without prejudice to the defence.

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

6.Considering the above facts and also the fact that the first accused was already arrested and released on bail and also taking note of the fact that the petitioner is also ready and willing to deposit the amount of Rs.65,000/- (Rupees Sixty Five Thousand only), 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.65,000/- (Rupees Sixty Five Thousand Only) before the learned Judicial Magistrate No.IV, Trichy, to the credit of Crime No.33 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.IV, Trichy, 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;

(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 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;

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

Sd/-

19/04/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.I)
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.IV,
TRICHY.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
MANIKANDAM POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KARTHICK RAJAN R Advocate SR.No.3560

ORDER

IN

CRL OP(MD) No.5817 of 2022

Date : 19/04/2022