



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6937 of 2022

Balamurugan

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.
(Crime No.3/2022)

... Respondent/Complainant

For Petitioner : Mr.K.Seenu Ramachandran,
Advocate.

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

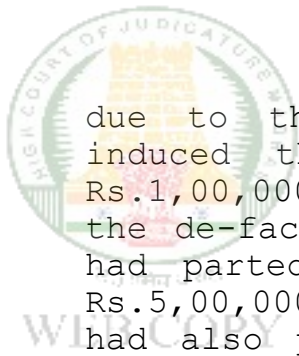
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.3 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 468, 471 and 506(i) IPC, in Cr.No.3 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant, who is a resident of Chennai, was running a business dealing with event Management, that in the year 2015, one Balamurugan introduced the accused with the de-facto complainant at his farm house situated at Krishnankovil, that the accused briefed him Iridium business which was allegedly running by him successfully, that the accused had also informed him that he had already supplied Iridium to Australian Company and he has to receive a sum of Rupees Ten Thousand Crores towards the above said transaction, that the accused had also shown some documents purported to have issued by the Government of India as if a sum of Rupees Ten Thousand Crores is



due to the petitioner/accused, that the petitioner/accused had induced the de-facto complainant by saying that if he pays Rs.1,00,000/-, the same will be returned as Rs.1,00,00,000/-, that the de-facto complainant being induced by the false representation, had parted a sum of Rs.5,00,000/- through Bank transaction and Rs.5,00,000/- in cash, that the de-facto complainant's friend Velu had also paid a sum of Rs.10,00,000/- that the accused had not honoured his promise and when the de-facto complainant had demanded the repayment of amount, the accused has issued some signed unfilled stamp papers and cheques as security towards repayment and that though the de-facto complainant had been demanding the repayment of the amount, the petitioner/accused has not chosen to return the money. Hence, the complaint.

3.It is not in dispute that the main accused/A1 was arrested on 25.02.2022 and he filed a petition seeking bail in Crl.O.P.(MD) No.4718 of 2022, that the de-facto complainant and five other persons have filed intervening petitions as if that the first accused has received Rs.2,24,79,000/- from the said persons and that this Court has granted bail to the first accused directing him to deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) and after coming out on bail, he was also directed to produce the bank guarantee or title deeds of the property worth about Rs.2,00,00,000/- before the concerned Court within a period of one month after releasing on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is the friend of the first accused and some of the transactions were made only through the present petitioner. He would further submit that they have also recorded the statement of the co-accused under Section 161 of Cr.P.C., wherein, he has stated that some payments were made through the petitioner.

5.Considering the nature of the charges levelled against the present petitioner and also the fact that the co-accused was already arrested and released on bail and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, 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.II, 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 respondent Police or to the Police Officer, who intends to arrest or 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 until further orders.

(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 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]***; and;

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

sd/-

19/04/2022

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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.II,
VIRUDHUNAGAR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.G.MARIAPPAN, Advocate (SR-3554[I] dated 20/04/2022)

ORDER IN

CRL OP(MD) No.6937 of 2022

Date :19/04/2022

SJI

MK/PN/SAR.I/26.04.2022/3P/6C

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