



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/05/2022

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL OP(MD) . No.8639 of 2022

1. S.Kumar
2. K.Nirmala

... Petitioners/Accused
Nos.1 & 2

Vs

State rep.by
The Inspector of Police,
Kadaiyanallur Police Station,
Tenkasi District.
(Crime No.135 of 2022).

... Respondent/Complainant

For Petitioners : Mr.Pinaygash I, Advocate.

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

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

PRAYER :-

For Anticipatory bail in Crime No.135 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 420, 294(b) and 506(2) of I.P.C., in Crime No.135 of 2022, on the file of the respondent police, seek anticipatory bail.

2.Heard both sides.

3.Non repayment of the amount given for the purpose of arranging a job in abroad may not amount to cheat, since there was no intention to cheat from inception. In the instant case, the



petitioners, who are the husband and wife, had already obtained passport and visa and had also felicitated the de-facto complainant's son to get the job in abroad.

4. In this background, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tenkasi, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two common sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners 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 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]**.

Sd/-
06/05/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.IV)
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,
TENKASI.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 3. THE INSPECTOR OF POLICE,
KADAIYANALLUR POLICE STATION,
TENKASI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.PINAYGASH I Advocate SR.No.4479

ORDER
IN
CRL OP(MD) No.8639 of 2022
Date :06/05/2022

SP/PN/SAR IV/10/05/2022/3P/6C