



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.8806 of 2022

WEB COPY

Nelson Jeabaraj

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
CCB Police Station,
Trichy.
Crime No.11/2022.

... Respondent/Complainant

For Petitioner : MR.M.Sricharan Rengarajan, Advocate
for M/s.T.N.Rajagopalan, Advocate.
For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.11 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / accused No.1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 417, 420, 506(i) of I.P.C., in Crime No.11 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3.Non repayment of amount paid towards the pilgrimage, which came to be cancelled due to COVID-19 pandemic situation, may not constitute an offence under Section 420 of I.P.C, since there is no intention to cheat, from the inception. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

4.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on 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, 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:

<https://hcservices.ecourts.gov.in/hcservices/>



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

[b]the petitioner 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 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 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]**.

sd/-

06/05/2022

/ 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

1 THE JUDICIAL MAGISTRATE NO.I, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, CCB POLICE STATION, TRICHY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.N.RAJAGOPALAN, Advocate (SR-4528[I] dated 09/05/2022)

ORDER IN

CRL OP(MD) No.8806 of 2022

Date :06/05/2022