



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

Date : 27/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.10309 of 2022

WEB COPY

Raghavan

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District
(Crime No. 114 of 2021).

... Respondent/Complainant

For Petitioner : M/s.A.Banumathy,
Advocate.

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.114 of 2021 on the file of
the respondent Police.

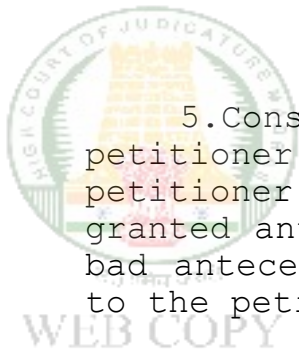
ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 406,
418 and 420 IPC, in Cr.No.114 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other
accused assaulted the de-facto complainant to secure a job at
college, using the influence of the second petitioner and received a
sum of Rs.4,00,000/- from the de-facto complainant and without
securing a job, they cheated the de-facto complainant. Hence, the
complaint.

3.The learned counsel for the petitioner would submit that the
petitioner has already deposited a sum of Rs.1,00,000/- to the de-
facto complainant's account and that he undertakes to deposit 50% of
the remaining amount at Rs.1,50,000/- before the concerned Court.
He would further submit that the second accused was already granted
anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the
respondent would submit that the petitioner has already deposited a
sum of Rs.1,00,000/- to the de-facto complainant and that the
petitioner is having no previous case.



5.Considering the nature of the charges levelled against the petitioner and also taking note of the undertaking given by the petitioner and also the facts that the second accused was already granted anticipatory bail and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of Crime No.114 of 2021 on the file of the learned Judicial Magistrate No.IV, Tirunelveli District, without prejudice to his rights and contentions.

7.On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tirunelveli 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 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/-

27/06/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1. The Judicial Magistrate No.IV,
Tirunelveli District.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.10309 of 2022
Date :27/06/2022

RD/SKN/SAR-IV (30.06.2022) 3P 5C