



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/07/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.11232 of 2022

Dharamalinga Udayar @ Dharmalingam ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
Crime No.11 of 2022.

... Respondent/Complainant

For Petitioner : M/s.PERUMAL.C.T,
Advocate.

For Respondent : Mr.B.NAMBI SELVAN,
Additional Public Prosecutor

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/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC, in Cr.No.11 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner by giving false promise to purchase of a property in the name of the father of the de-facto complainant, had received a sum of Rs.21,50,000/- from him and thereafter, he failed to purchase the property and refused to return the said amount. Hence, the complaint.

3.When the matter is taken up for hearing, the learned counsel for the petitioner would submit that the petitioner has filed an undertaking affidavit sworn by the petitioner, wherein, he has specifically undertaken to deposit 50% of the amount alleged to have been received from the de-facto complainant (ie. Rs.21,50,000/- (Rupees Twenty One Lakhs and Fifty Thousand only) to the credit of Crime No.11 of 2022 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District, without prejudice to his rights and contentions.



4.The learned Additional Public Prosecutor appearing as the respondent would submit that the investigation is pending and that the petitioner is having no previous case.

5.Considering the above facts and circumstances and also the fact that the petitioner is not having any previous case for similar or serious offence and also taking note of the undertaking affidavit given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner shall deposit a sum of Rs.10,75,000/- (Rupees Ten Lakhs and Seventy Five Thousand only) to the credit of Crime No.11 of 2022 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District, within a period of four weeks from the date of receipt of a copy of this order, 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 before the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari 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.

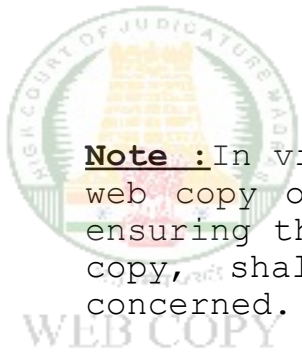
sd/-

27/07/2022

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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.I
NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGERCOIL,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PERUMAL.C.T Advocate SR.No.7731

ORDER**IN**

CRL OP(MD) No.11232 of 2022
Date :27/07/2022

SA/PN/SAR.1/01.08.2022/3P/6C