



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

Date : 17/03/2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16638 of 2021

WEB COPY

1. M.Kannadhasan
2. K.Manikandan
3. K.Amutha

... Petitioners/Accused Nos.1,2,3

Vs

The State Rep. By,
The Inspector of Police,
Central Crime Branch,
Thabal Thanthi Nagar Main Road,
Madurai.

(Crime No. 18 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Mohamed Mohideen T.S.,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

For Intervenor : Mr.N.Kalimuthu, Advocate for
Mr.A.Mathan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 18 of 2021 on the file
of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
415, 420, 463, 471 and 120B of IPC in Crime No.18 of 2021, seek
anticipatory bail.

2.The case of the prosecution is that the second petitioner
and the defacto complainant are the partners in Man Power Agency.
When the defacto complainant was intoxication, the accused obtained
the signature of the defacto complainant and by using the same, they
have created some sale deeds and cheated the defacto complainant to
the tune of Rs.10,00,000/-. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the
petitioners are innocents and they have been falsely implicated in
this case. They have not committed any offence as alleged in the
Police Information Report.



4. Heard the learned Government Advocate (Criminal Side) appearing for the respondent Police.

5. Considering the nature of offence, this Court referred the matter to the Mediation for settling the issues. However, the parties have not shown any interest in settling the issues. Hence, this Court dismissed the earlier application filed by the petitioners. Thereafter, the petitioners have renewed this application on the ground that the Mediation could not be effected, in view of COVID-19 situation. However, it is submitted by the learned counsel appearing for the petitioners that the petitioners are ready to pay a sum of Rs.7,00,000/- (Rupees Seven lakhs Only) jointly to the credit of Crime No.18 of 2021 and the learned counsel appearing for the defacto complainant has also agreed for the same. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each 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 learned 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 as and when required;

(c) The petitioners shall deposit a sum of Rs.7,00,000/- (Rupees Seven Lakhs Only) to the credit of Crime No.18 of 2021 within a period of 15 days from the date of receipt of a copy of this order and the remaining amount of Rs.4,00,000/- (Rupees Four Lakhs Only) has to be paid by the petitioners on or before 30.04.2022. If the petitioners have not paid the amount within the time stipulated by this Court, it is left open to the defacto complainant to move an application for cancellaion of anticipatory bail;

(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]***; and;



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

sd/-
17/03/2022

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/ /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,
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
THABAL THANTHI NAGAR MAIN ROAD,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.S.MOHAMED MOHIDEEN, Advocate (SR-2145[I] dated 17/03/2022)

+1. CC to M/S.N.KALIMUTHU, Advocate SR.No.2168, DATED : 18.03.2022.

ORDER
IN
CRL OP(MD) No.16638 of 2021
Date :17/03/2022

ssb
USK/PN/SAR-I/05.04.2022/3P/7C