



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.15169 of 2022

Kalaiselvan @ Kalidasan,

... Petitioner/Accused No.I

Vs

State Rep.by
The Inspector of Police,
City Crime Branch,
Madurai City,
Madurai District
(Crime No. 5 of 2022)

...Respondent/Complainant

G.Kanagaraj

...Intervene Petitioner
/Defacto Complainant
in CRL MP(MD)No.10226 of 2022

For Petitioner : Mr.M.Murugan, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Saravanan, Advocate
in CRL MP(MD)No.10226 of 2022

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

PRAYER :-

For Anticipatory Bail in Crime No. 5 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 IPC, in Cr.No.05 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have received a huge sum of Rs.44,00,900/- from the defacto complainant and various persons on promising to get a Government



job, and subsequently, cheated them and the amount involved in this crime is Rs.1,00,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that there is no specific overt act levelled against the petitioner in the FIR and seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that totally three accused involved in this case and the petitioner herein is arrayed as A1. He would further submit that A2 insisted the defacto complainant to pay a sum of Rs.1,00,000/- to the petitioner for getting a job and subsequently, he has cheated him. He further submitted that five witnesses have been examined and he strongly opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that five witnesses have been examined, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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.1, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner is directed to deposit a sum of **Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.5 of 2022 on the file of the Judicial Magistrate concerned**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

02/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, MADURAI CITY,
MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SARAVANA, Advocate (SR-12296[I] dated 02/11/2022)

+1 CC to M/s.M.MURUGAN, Advocate (SR-12390[I] dated 04/11/2022)

ORDER

IN

CRL OP(MD) No.15169 of 2022

Date : 02/11/2022

trp

PKP/SSS/SAR-4/16.11.2022/3P/7C

<https://www.mhc.tn.gov.in/judis>