



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

Date : 02.03.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17285 of 2021

WEB COPY

1. Velankanni
2. Selvam

... Petitioners/Accused Nos.1&2

Vs

The State represented by
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
(Crime No.183 of 2021)

...Respondent/Complainant

For Petitioners: Mr.G.KARNAN,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu (Crl.side)

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

PRAYER :- For Anticipatory Bail in Crime No.183 of 2021 on the file of the Respondent police.

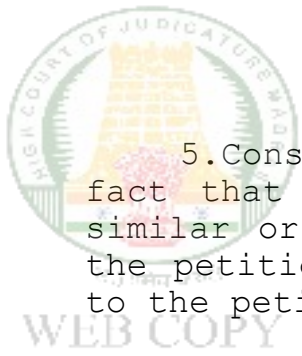
ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 420 IPC, in Crime No.183 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused had pledged the fake gold bangles to the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that out of Rs.1,15,000/-, the petitioners have already paid a sum of Rs.44,000/- and as per the directions of this Court and undertaken given by the petitioners, they have deposited a sum of Rs.75,000/- before the Judicial Magistrate, Manapparai, and also produced the copy of the receipt issued by the concerned Court.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the defacto complainant has received a sum of Rs.19,000/- from the petitioners and there is no material to show that the petitioners have paid a sum of Rs.25,000/- to the defacto complainant.



5.Considering the above facts and circumstances and also the fact that the petitioners are not having any previous cases for similar or serious offence and taking note of the deposit made by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai, Trichy District, 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 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 daily at 10.30 a.m., for a period of thirty (30) days and thereafter, as and when required for interrogation.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[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]***.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/03/2022

/ 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, MANAPPARAI,
TRICHY DISTRICT.
- 2 DO THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.17285 of 2021

Date : 02/03/2022

SA/SBN/SAR.4/10.03.2022/3P/5C