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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/11/2022

PRESENT

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

CRL OP(MD). No.17062 of 2022

Saimon Balde Singh ... Petitioner/Sole Accused

Vs

1.The State rep.by,
The Inspector of Police,
O/o the Inspector of Police,
Ammayanaickanur Police Station,
Dindigul District.
Crime No. 80 of 2022 ... Respondent/Complainant

2.Stellamary ...Intervene Petitioner/
Defacto Complainant

For Petitioner : M/s.Maharaja.M,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervenor : Mr.M.Maran, Advocate

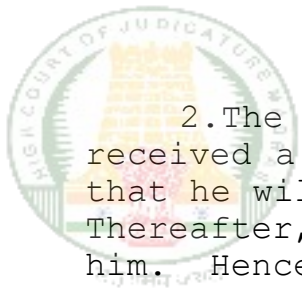
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.80 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
294(b), 420, 406 and 506(i) of IPC, in Cr.No.80 of 2022, seeks
anticipatory bail.



2.The case of the prosecution is that the petitioner had received a sum of Rs.75,000/- from the defacto complainant assuring that he will arrange a railway job to the defacto complainant's son. Thereafter, the accused could not arrange the job and also cheated him. Hence, the complaint.

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3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are close relatives. Due to previous enmity, this false case has been foisted against the petitioner. He would further submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4.The learned Additional Government Pleader appearing for the respondent police would submit that the petitioner cheated the defacto complainant to the tune of Rs.75,000/-. He would further submit that no previous case is pending against the petitioner and investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail.

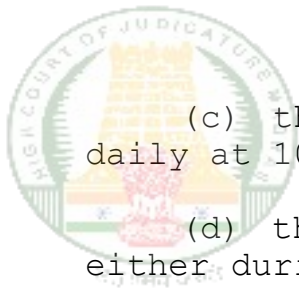
5.The learned counsel appearing for the intervener vehemently opposed for grant of anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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, Nilakottai, 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 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 is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.80 of 2022 before the learned Judicial Magistrate, Nilakottai,** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;



(c) the petitioner shall report before the responder 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/-

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

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TO

- 1 THE JUDICIAL MAGISTRATE, NILAKOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
O/O THE INSPECTOR OF POLICE,
AMMAYANAICKANUR POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.MAHARAJA, Advocate (SR-12813[I] dated 10/11/2022)

ORDER

IN

CRL OP(MD) No.17062 of 2022

Date :08/11/2022

RK/BUC/SAR- (23/11/2022) 3P/6C