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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/09/2022

PRESENT

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

CRL OP (MD) . No.18344 of 2021

Ramar

... Petitioner/Accused No.2

Vs

The state rep. by
The Inspector of Police,
Sellur Police Station,
Madurai City.
(Crime No.907/2022).

... Respondent/Complainant

For Petitioner : Mr.S.Balaji, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.907 of 2021 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 Sections 406 and 420 IPC in Crime.No.907 of 2021, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that believing the words of the petitioner and other accused that they will arrange job in the Government Department to the defacto complainant, the father of the de facto complainant has given a sum of Rs.3,00,000/- and subsequently, the petitioners have not arranged any job or repay the amount. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the name of the petitioner is not mentioned in the FIR and he has not received any amount from the defacto complainant and his name has been falsely implicated in this case and seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that that this is a case of job racketing and the A1 has already been released on bail and the investigation was completed and the charge sheet is yet to be taken on file and strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the co-accused has been released on bail and the investigation was completed, 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. II, 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 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 appear 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.

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Sd/-
26/09/2022

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
- 2 -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
SELLUR POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.BALAJI S Advocate SR.No.10534

ORDER
IN
CRL OP(MD) No.18344 of 2021
Date :26/09/2022

SP/GB/SAR /10/10/2022/3P/6C