



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.03.2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.18748 of 2021

Kanthasamy

... Petitioner/Accused No.1

Vs

State by
The Inspector of Police,
District Crime Brnach,
Karur District.
(Crime No.20 of 2020)

... Respondent/Complainant

For Petitioner : M/s.C.Suresh Kannan Advocate.

For Respondent : M/s.P.Kottaichamy
Government Advocate (Crl. Side)

For Intervenor : M/s.S.Gokul Raj, Advocate

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

PRAYER :-

For Anticipatory bail in Crime No.20 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 406 and 420 IPC in Crime No.20 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2. The allegation against the petitioner is that he along with three accused cheated the defacto complainant and others to tune of Rs.15,00,000/- on the assurance that they would arrange job for them.



and the second anticipatory bail petition was dismissed by this Court, vide order dated 25.08.2021.

4. On an earlier occasion, when this petition came up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner, without prejudice to his defence in the criminal case before the trial Court, is ready to pay a sum of Rs.5,00,000/- to the defacto complainant, to show his *bona fide*. Therefore, the matter was adjourned to settle the amount to the defacto complainant.

5. Today, the learned counsel for the petitioner submits that the petitioner has paid Rs.5,00,000/- to the defacto complainant by way of demand drafts, in two installments. He has also produced a copy of the demand drafts.

6. The said submission is also admitted by the learned counsel appearing for the defacto complainant.

7. Considering the fact that the petitioner has paid a sum of Rs.5,00,000/- to the defacto complainant and also considering the subsequent development in this case, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is allowed. The petitioner is ordered to be released on bail in the event of arrest or on 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.I, Karur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum 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 Aadhaar card or bank pass book to ensure their identity;

[b]the petitioner shall report before respondent police as and when required for interrogation;

[c]the petitioner shall not tamper with the 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.

Sd/-
01/03/2022

/ TRUE COPY /

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

OGY

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,
KARUR.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
 3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KARUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.S.GOKULRAJ, Advocate SR.No.1626

ORDER
IN
CRL OP(MD) No.18748 of 2021
Date :01/03/2022