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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.18832 of 2021

1. Mohammed Rafi

2. M.Vetri Selvi

... Petitioners/Accuseds

Vs

1. State rep.by

The Inspector of Police,
Rameswaran Town Police Station,
Ramanathapuram District.
(Crime No.285 of 2021)

... Respondent/Complainant

**(*) 2. Vadivelmurugan,
S/o.Kottaisamy,
Maravar Street,
Rameshwaram.**

... 2nd Respondent

**(R2 Suo motu impleaded
as per order of this Hon'ble
Court, dated 15.12.2021 in
Crl.O.P(MD)No.18832 of 2021
by GIJ)**

For Petitioners : M/s.Panneerselvan.S, Advocate.

For Respondents : M/s.RMS.Sethuraman,
Additional Public Prosecutor
for R1

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

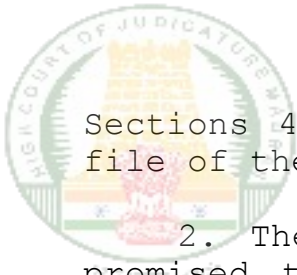
PRAYER :-

For Anticipatory Bail in Crime No.285 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioners/Accused, apprehending arrest at the hands of
the respondent police for the alleged offences punishable under



Sections 420, 406 and 506(i) IPC, in Crime No.285 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner promised the de-facto complainant namely, one Vadivel Murugan to send him abroad for employment purpose and promising to secure the job in abroad. The petitioner received Rs.1,84,500(Rupees One lakh Eighty Four Thousand and Five Hundred only)and subsequently, failed to comply with the promise and thereby, he cheated and misappropriated the amount that was given by him and that was ended in the criminal intimidating. Based upon the above said complaint, the case has been registered, against which the petition is filed.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor for the first respondent police submitted that the first petitioner cheated the amount of Rs.1,84,500(Rupees One lakh Eighty Four Thousand and Five Hundred only)and the investigation is pending.

5. For the purpose of making the settlement, notice is ordered to the second respondent. The de-facto complainant is *suo motu* impleaded. Notice sent to the second respondent returned as no such person.

6. The de-facto complainant was also present in the Additional Public Prosecutor's office, and appeared through Video Conferencing and submitted that he also received the Demand Draft from the junior of the learned counsel for the petitioners since the amount has been obtained by the de-facto complainant as promised by the petitioner.

7. Considering the facts and circumstances of the case and nature of offence, the overt act attributed against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Rameswaram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned. Due to COVID-19 pandemic situation, the petitioners shall appear before the respondent police daily once in a month at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy



made ready, failing which, the petition for anticipatory bail stands dismissed.

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Sd/-
11/01/2022

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

btr/gbg

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,
RAMESWARAM.
 2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE INSPECTOR OF POLICE,
RAMESWARAN TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.PANNEER SELVAN, Advocate S.R.No.255

ORDER
IN
CRL OP(MD) No.18832 of 2021
Date :11/01/2022