



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

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PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17926 of 2022

1.Selvakrishnan

2.Paldurai

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
Crime No.411 of 2022.

... Respondent/Complainant

For Petitioner : Ms.A.Banumathy
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.411 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC, in Crime No.411 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the cook by profession and she met the first petitioner in Maliyaparai Karuppasamy Temple, Theni District and the first petitioner introduced himself to the defacto complainant and they were frequently spoken through mobile phone. On believing the words of the first petitioner, the defacto complainant gave a sum of Rs.10,50,000/- to the first petitioner. After receiving the said amount, the petitioners absconded and did not return back any amount to the complainant. Hence, the complaint.



3.The learned counsel for the petitioner would submit that after registration of the present FIR, a sum of Rs.7,00,000/- was recovered by the respondent police. She would further submit that the petitioners are no way connected with the above said alleged occurrence.

4.The learned Additional Public Prosecutor (Crl.side) appearing for the respondent police vehemently opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

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 No.II, Srivilliputhur, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioners are directed to deposit a sum of Rs.1,00,000/- (Rupees One lakh only) each to the credit of Crime No.411 of 2022, within a period of three weeks from the date of receipt of a copy of this order;

(c) the petitioners shall report before the respondent police **once in a week i.e., on every Saturday at 10.30 a.m.,** for a period of eight weeks, and thereafter, as and when required for interrogation.

(d)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(e)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves 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 / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/10/2022

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

vsd

TO

1. THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17926 of 2022
Date : 06/10/2022

RK/SVR/SAR-2 (10/10/2022) 3P/5C