



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2022

PRESENT

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

CRL OP(MD) . No.18774 of 2022

Manickam Anthonyraj

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
(Crime No.17 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C, 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.17 of 2021 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 offences punishable under Sections 406, 420 and 109 of I.P.C, seeks anticipatory bail.

2.The case of the prosecution is that the first accused had received a sum of Rs.3,00,000/- from the defacto complainant assuring that they will be arranged Government Job to him. Thereafter, the accused could not arrange the job to the defacto complainant and also cheated him. In spit of repeated approach, the first accused paid only a sum of Rs.2,00,000/- but he did not repay the remaining amount of Rs.1,00,000/-. On the other hand, the first accused informed that he said to have paid the amount to the petitioner for arranging the job. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is the physically challenged person and he never know the transaction between the first accused and the defacto complainant. For the only reason to escape from the clutches of law, the first accused included the petitioner's name stating that he gave the amount to the petitioner. He would further submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police strongly opposed for grant of anticipatory bail to the petitioner stating that apart from this case, four complaints are pending against the petitioner. He would further submit that investigation in this case has been completed and absconding charge sheet has also been filed against the petitioner before the learned Judicial Magistrate No.I, Tirunelveli and the same was taken on file in CC No.847 of 2021.

5.Considering the facts and circumstances of the case and considering the charges levelled against the petitioner and also the fact that the investigation in this case has been 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 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, Tirunelveli, 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 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 appear before the trial Court on each and every hearing date without fail;

[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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
31/10/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

1. THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.18774 of 2022
Date :31/10/2022

SP/BUC/SAR II/10/11/2022/3P/5C