



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20542 of 2021

R.Sundar, ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Kanyakumari District.
Nagercoil.
Cr.No.34 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Suri, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 34 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 of IPC, in Crime No.34 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has received a sum of Rs.2,30,000/- from the defacto complainant for arranging Government Job to his son. Thereafter, he has neither arranged the job nor returned the money. On 17.05.2020, the defacto complainant went to the petitioner's house, abused him in filthy language and also threatened him with dire consequences. Hence, the complaint.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

4. On perusal of CD file, it shows that on the earlier <https://www.crb.in/judis> the defacto complainant as well as the petitioner gave a



complaint against one Kumar. According to them, the said Kumar cheated both of them. During the course of investigation, it was found that this petitioner is also the one of the victim and the defacto complainant herein transferred some amount to this petitioner's account on behalf of the above said Kumar. Since the above said Kumar was not traced out, the complaint was given by the petitioner as well as the defacto complainant against the above said Kumar and after enquiry the said complaint was closed. By suppressing all the facts, the defacto complainant filed a petition under Section 156(3) before the learned Judicial Magistrate No.I, Nagercoil, based upon the order of the learned Judicial Magistrate, the present complaint has been registered against this petitioner.

5. The learned counsel for the petitioner submitted that the petitioner is the one of the victim and also he is ready to deposit a sum of Rs.60,000/- to the credit of the Crime number.

6.Considering the facts and the circumstances of this case and also the fact that the petitioner is also the one of the victim, this Court is inclined to grant anticipatory bail to the petitioner, however, with stringent conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District, and on his executing 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 the petitioner shall appear before the respondent police on every Saturday at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

9.The petitioner shall deposit a sum of Rs.60,000/- (Rupees Sixty Thousand only), to the credit of Cr.No.34 of 2021 before the trial Court concerned, within a period of two weeks from the date of receipt of copy of this order.

sd/-

12/07/2022

/ TRUE COPY /

/07/2022

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



TTA

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
NAGERCOIL,
KANYAKUMARI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT.
NAGERCOIL,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.SURI, Advocate (SR-6999[I] dated 13/07/2022)

ORDER
IN
CRL OP(MD) No.20542 of 2021
Date :12/07/2022

PKP/JM/SAR-1/27.07.2022/3P/6C