



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.04.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.21044 of 2021

I.Imam Jaffer Ali ... Petitioner/Accused No.7

Vs

The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
Crime No.21 of 2014

... Respondent/Complainant

For Petitioner : Mr.I.Suthakaran,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.21 of 2014 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A7, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 406, 409 and 420 IPC, in Cr.No.21 of 2014, seeks anticipatory bail.

2.The case of the prosecution is that one Muthukumar had introduced the de-facto complainant to A1 and thereafter, the de-facto complainant has purchased one property and A1 promised to construct a building in that property. A sum of Rs.11,40,000/- was sanctioned as housing loan in favour of the de-facto complainant and he came to know that the house was not constructed in the place purchased by him and it was constructed in some other place. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is only a document writer and he is innocent and he has nothing to do with the alleged scene of occurrence. He would further submit that A10 and A12 were already granted anticipatory bail by this Court in Crl.O.P.(MD)Nos.2059 and 2758 of 2022, dated 15.03.2022 and A1 to A6 were already arrested and released on bail.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the investigation is pending.

5.Considering the above facts and circumstances and also considering the nature of the charges levelled against the petitioner and also the fact that the co-accused were already granted bail and anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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.II, Virudhunagar, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with 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/-

13/04/2022

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

sjj

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
AMATHUR POLICE STATION, VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SUTHAKARAN I Advocate SR.No.3409

ORDER
IN
CRL OP(MD) No.21044 of 2021
Date :13/04/2022

SS/JM/SAR:IV/21.04.2022 : 3P/6C