



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19997 of 2022

J.Vel Murugan

... Petitioner/Accused No.3

Vs

The State represented by
The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
Crime No. 274 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Manivelpandian M.M.,
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.274 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 465 and 420 IPC in Crime No.274 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had started a private company at Veerapandiapattanam near Tiruchendur, Thoothukudi District for the service of arranging private jobs at abroad. The de-facto complainant contacted A1 through his relative and made his abroad job proposal, for which, he had paid a sum of Rs.6,00,000/- to A1's bank account. Subsequently, A1 sent flight ticket to the de-facto complainant, on the date of travel fixed on 25.01.2022, in fact, on that day, the de-facto complainant could not travel abroad by way of that flight ticket. After that, he came



to know that the flight ticket was forged one. Hence, the complainant demanded his amount of Rs.6,00,000/- from the accused persons, the same was not repaid by them. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the petitioner's second anticipatory bail application and the earlier application was dismissed by this Court, dated 26.10.2022 in Crl.O.P.(MD)No.18568 of 2022. He would further submit that the petitioner is innocent and he has not received any amount from the de-facto complainant and he did not start any private company along with A1 and A2 and he did not maintain any strongly relationship between A1 and A2. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that totally three accused in this case and the petitioner is arrayed as A3. The petitioner along with A1 and A2 cheated the de-facto complainant by giving assurance to secure job at abroad and received a sum of Rs.6,00,000/- from him. He would further submit that the petitioner's earlier application was dismissed by this Court, dated 26.10.2022 in Crl.O.P.(MD)No.18568 of 2022 and two witnesses have been examined and the investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

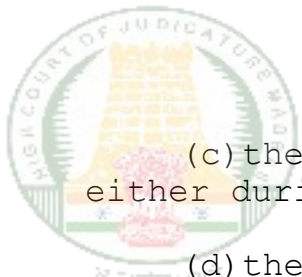
5.Considering the facts and circumstances of the case and also considering the facts that two witnesses have been examined sofar, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of **Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.274 of 2022 before the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District**, without prejudice to his rights and contentions before the trial Court.

8.On such deposit being made, 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, Nagercoil, Kanyakumari District, 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.



(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/-

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL, KANYAKUMARI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT.

3 THE INSPECTOR OF POLICE
KANYAKUMARI POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.MANIVELPANDIAN M.M. Advocate SR.No.13022

ORDER

IN

CRL OP(MD) No.19997 of 2022

Date :14/11/2022

SS/SSS/SAR III/23.11.2022/ 3P/ 6C