



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

Date : 29/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.20877 of 2022

V.Srinivasa Raghavan

... Petitioner/ **(*)Accused No.2**

**(*)Amended as per the order of this
Court dated 29.11.2022, in Crl.MP
(MD)No.14830 of 2022 in Crl.OP(MD)
No.20877 of 2022 by AANJ.**

Vs

The State Rep. By,
The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.

()Crime No.375 of 2022.**

... Respondent/Complainant

()Amended as per the order of this
Court dated 29.11.2022, in Crl.MP
(MD)No.14830 of 2022 in Crl.OP(MD)
No.20877 of 2022 by AANJ.**

For Petitioner : M/s.Anand R,
Advocate.

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

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

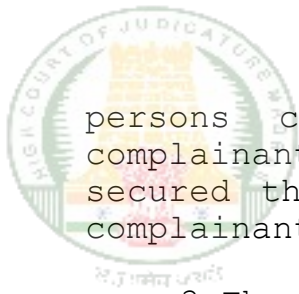
PRAYER :-

For Anticipatory Bail in **(**)Crime No.375 of 2022** on the file
of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
420 of IPC, in Crime No.375 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that for the purpose of
securing the job in Singapore, the petitioner and the other accused



persons collected a sum of Rs.1,66,500/- from the complainant and his brother. Thereafter, the accused persons neither secured the job nor repaid the amount collected from the defacto complainant and his brother. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is also one of the victim. He also paid a sum of Rs.1,50,000/-. Except he introduced A1 to the defacto complainant, no specific overtact against this petitioner. He has not received any amount from anyone. A1 only received the above said amount. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government advocate (Crl.Side) appearing for respondent police would submit that totally 2 accused are involved in this case. The petitioner was arrayed as A2. A1 is still absconding. The petitioner is only introduced A2 to the defacto complainant. They also collected amount from various persons and cheated the same. 3 witnesses have been examined in this case. The investigation in this case 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 fact that 3 witnessed have been examined in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** to the credit of Crime No.375 of 2022 without prejudice to his rights and contentions before the trial Court.

7.On production of such receipt, 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, Melur, Madurai 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/-
29/11/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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,
MELUR MADURAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ANAND, Advocate (SR-13924[I] dated 29/11/2022)

ORDER
IN
CRL OP(MD) No.20877 of 2022
Date :29/11/2022

dss
USK/SSS/SAR-I/14.12.2022/3P/6C

<https://www.mhc.tn.gov.in/judis>