



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

Date : 30.11.2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.21156 of 2022

S.Jerry Heison Robert

... Petitioner/1st Accused

[Wrongly mentioned as Jeri
Haison Rabert in the FIR and
charge sheet]

Vs

The State Rep. By,
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
(Crime No.105 of 2016.

... Respondent/Complainant

For Petitioner : Mr.N.Dilip Kumar
Advocate.

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

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

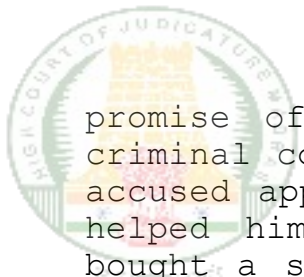
PRAYER :-

To grant anticipatory bail to the petitioner and direct his release on bail in the event of arrest or surrender in connection with the case in C.C.No.64 of 2022 on the file of the learned Judicial Magistrate Court, No.1, Tuticorin in reference to Crime No.105 of 2016 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences under Sections 294(b), 406, 420, 506(2) and 34 IPC in connection with the case in C.C.No.64 of 2022 on the file of the learned Judicial Magistrate No.I, Thoothukudi in Crime No.118 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant along with 31 more others were cheated by third parties on the



promise of getting a new job. In this regard, he had a criminal complaint, which was being investigated. Subsequently, the accused approached the de-facto complainant stating that they have helped him to recover his cheated amount of Rs.50,00,000/- and bought a sum of Rs.15,30,000/- from him. Later, when he asked the accused persons about his money, the petitioner along with other accused abused the de-facto complainant in filthy language and threatened him with dire consequences. Hence, the complaint.

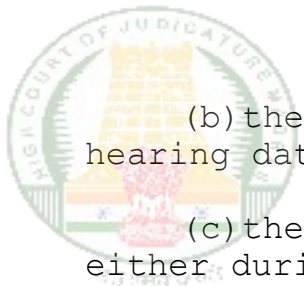
3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that A2 was already granted anticipatory bail by this Court in Crl.O.P.(MD) No.3822 of 2016, dated 21.03.2016. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the de-facto complainant has already cheated his amount of Rs.50,00,000/- by the third party. The accused approached the de-facto complainant stating that they have helped him to recover the said amount of Rs.50,00,000/- and bought a sum of Rs.15,30,000/- from the de-facto complainant and later, when he asked the accused persons about his money, they abused the de-facto complainant in filthy language and threatened him with dire consequences. 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, Thoothukudi and the same was taken on file in C.C.No.64 of 2022. Hence, he prays for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the fact that in this case charge sheet was filed before the Judicial Magistrate No.I, Thoothukudi and the same was taken on file as C.C.No.64 of 2022 and A2 was already granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner.

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.1, Tuticorin, 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 trial Court on all hearing dates without fail;

(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/-

30/11/2022

/ TRUE COPY /

/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.1,
THOOTHUKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-14068[I] dated 30/11/2022)

ORDER

IN

CRL OP(MD) No.21156 of 2022

Date :30/11/2022

sjj

USK/VR/SAR-III/02.12.2022/3P/6C

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