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

Date : 14/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21736 of 2022

Mohamed Azarudeen

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.286/2022).

... Respondent/Complainant

For Petitioner : M/s.Nihil Nandha C, Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.286/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 406, 420, 294(b), 352 and 506(1) IPC in Crime No. 286 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant is that the petitioner herein has induced the defacto complainant to invest in his shop and hence, he had given a sum of Rs.1,60,000/- and that the petitioner established the shop. When the defacto complainant demanded money, he has abused him in filthy language and also threatened him with dire consequences. Hence, the complaint



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and thereby, seeks anticipatory bail.

4. The learned Government Advocate (Crl.side) would submit that there was a business transaction between the petitioner and the defacto complainant and that the petitioner has cheated a sum of Rs.1,60,000/- and hence, he prays for dismissal of this petition.

5. Taking into consideration the facts and circumstances of the case and that it is a case of business transaction, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate, Kadaladi, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
14/12/2022

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

TRP

TO

1. THE JUDICIAL MAGISTRATE,
KADALADI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.NIHIL NANDHA C Advocate SR.No.14907

ORDER
IN
CRL OP(MD) No.21736 of 2022
Date :14/12/2022

SP/SSS/SAR II/23/12/2022/3P/6C