



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

Date : 15/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.21971 of 2022

N.Gobunathan

... Petitioner/2nd Accused

Vs

The State Rep. by,
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
Crime No.671 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Sivasubramanian A,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.671 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC in Crime No.671 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Muthuraman, is that the first accused, who was working as an Assistant in the Horticulture Department, had induced him on the promise of getting subsidy for the purpose of purchasing Tractor and the de-facto complainant had deposited an amount of Rs.4,00,000/- in the account of the petitioner/A2 and both the accused have cheated him. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is arrayed as A2 in this case. He would further submit that the first accused had earlier cheated the de-facto complainant to the tune of Rs.26,00,000/- in the very same manner and he has



also issued a cheque, which got to be bounced and later the petitioner has given a complaint against the first accused. The first accused is the habit of cheating people and rotating funds and in such a manner, he had induced the de-facto complainant to deposit the amount in the account of the petitioner. He would further submit that the petitioner has nothing to do with the alleged offence and he is unnecessarily dragged into this issue. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the first accused had induced the de-facto complainant to pay Rs.4,00,000/- on the assurance of getting subsidy for purchasing Tractor and believing the same, the de-facto complainant, on instruction of the first accused, had deposited Rs.4,00,000/- in the petitioner's account and both of them have cheated the de-facto complainant. Hence, he opposed for grant of anticipatory bail.

5.Heard. Perused the materials available on record.

6.Taking into consideration the facts and the submissions, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on their 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, Tirunelveli, on condition that the petitioner shall execute 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 learned Magistrate concerned 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 every day at 10.30 a.m for a period of four weeks and thereafter, every Saturday at 10.30 a.m 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 FII registered under Section 229A IPC.

sd/-
15/12/2022

WEB COPY

/ TRUE COPY /

/12/2022

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

SJI

TO

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

+1 CC to M/s.SIVASUBRAMANIAN A ---, Advocate (SR-15095[I] dated 19/12/2022)

ORDER
IN
CRL OP(MD) No.21971 of 2022
Date :15/12/2022

sjj
USK/VR/SAR-III/26.12.2022/3P/6C