



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.22006 of 2022

Petchimuthu

... Petitioner/1st 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.Vishnuvarthanan P M,
Advocate.

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

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

PRAYER :-

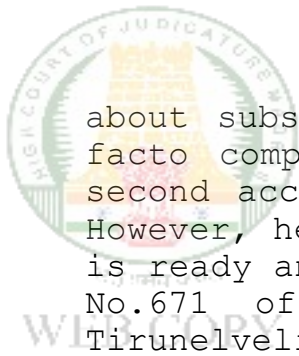
For Anticipatory Bail in Crime No.671 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, 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 petitioner, 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 A2 and both the accused have cheated him. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he had informed the de-facto complainant to purchase the Tractor and he has also educated him



about subsidise the scheme by the Government and thereby, de-facto complainant had deposited the amount in the account of the second accused and he has nothing to do with the alleged offence. However, he would submit that to show his *bona fides*, the petitioner is ready and willing to deposit Rs.2,00,000/- to the credit of Crime No.671 of 2022 before the learned Judicial Magistrate No.I, Tirunelveli. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner 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 account of the second accused 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 and that the petitioner is ready and willing to deposit Rs.2,00,000/- to the credit of Crime No.671 of 2022 before the learned Judicial Magistrate No.I, Tirunelveli, 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 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, 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 deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.671 of 2022 before the learned Judicial Magistrate No.I, Tirunelveli, without prejudice to his rights and contentions, at the time of furnishing sureties.

[c] 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.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

sd/-
15/12/2022

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/12/2022

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

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.VISHNUVARTHANAN P M, Advocate (SR-14950[I] dated 15/12/2022)

ORDER
IN
CRL OP(MD) No.22006 of 2022
Date :15/12/2022

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