



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/12/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.22550 of 2022

Suresh Kumar

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.
Crime No. 33 of 2022.

... Respondent/Complainant

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

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.33 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 120B, 406 and 420 IPC in Crime No.33 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 accused and the de-facto complainant are known to each other, since they belong to the same party. The further allegation is that the accused persons induced the de-facto complainant by stating that they would be able to secure jobs for his two sons in Railway and Port Trust and had received a sum of Rs.11,00,000/- and thereafter, neither secured jobs nor returned the amount. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him, due to political enmity. He would further submit that the petitioner and the de-facto complainant belong to the same party and that there was some financial transactions between them. The petitioner had also, as a security, issued cheques in favour of the de-facto complainant. He would further submit that since the



petitioner was unable to repay the amount, he had given se complaint, as if the petitioner had induced him to obtain jobs. He would further submit that the petitioner hails from the respectable family and to show his *bona fides*, the petitioner is ready to deposit Rs.5,50,000/- (Rupees Five Lakhs and Fifty Thousand only) to the credit of Crime No.33 of 2022 before the learned Judicial Magistrate Court No.II, Virudhunagar, Virudhunagar District. He would further submit that the petitioner has no previous case against him. Hence, he seeks anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is the District President of Bharathiya Janatha Party, Virudhunagar and the de-facto complainant is also the member of the same party. He would further submit that the petitioner had induced the de-facto complainant by stating that he would obtain jobs for his sons in Railway and Port Trust and thereby, received a sum of Rs.11,00,000/- and has cheated him. Hence, he opposed for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the FIR.

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

7.Accordingly, the petitioner shall deposit a sum of **Rs.5,50,000/- (Rupees Five Lakhs and Fifty Thousand only) to the credit of Crime No.33 of 2022 before the learned Judicial Magistrate Court No.II, Virudhunagar, Virudhunagar District**, without prejudice to his rights and contentions before the trial Court.

8.On such deposit being made, 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 Court No.II, Virudhunagar, Virudhunagar 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 a.m. for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.



[c] the petitioner shall not tamper with evidence or 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/-

23/12/2022

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/01/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE COURT NO.II,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.22550 of 2022
Date :23/12/2022

SA/MMS/SAR.2/03.01.2023/3P/5C