



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

Date : 09/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.317 of 2023

Perumal ... Petitioner / Accused

Vs

The Inspector of Police,
All Women Police Station,
Oddanchatram,
Dindigul District
(Crime No.13 of 2022).

... Respondent / Complainant

For Petitioner : M/s.Arumugam C.M., Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Intervenor : M/s.Bhuvaneshwari

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

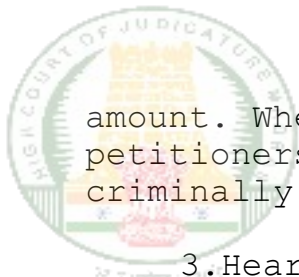
PRAYER :-

For Anticipatory Bail in Crime No.13 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(1) and 420 of I.P.C., in Crime No.13 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had induced the de-facto complainant stating that if she gives a sum of Rs.3,00,000/- to him in the iridium business, he will return back lot of amount. On believing the same, the de-facto complainant had given a sum of Rs.3,00,000/- to the petitioner. Further, the petitioner had asked the de-facto complainant to deposit an additional sum of Rs.7,00,000/- and the same was also given to the petitioner. Subsequently, the petitioner did not return the said



amount. When the same was questioned by the defacto complainant, the petitioners abused the de-facto complainant in filthy language and criminally intimidated her. Hence, the case.

3. Heard. Perused the materials available on record including the First Information Report.

4. It is seen that in order to sell the Iridium, the petitioner received a sum of Rs.7,00,000/- from the de-facto complainant. Since the petitioner has failed to give any Iridium, settled a sum of Rs.1,00,000/- and the remaining amount of Rs.6,00,000/- has to be settled, for which, he has issued pro-note to the de-facto complainant.

5. The learned counsel for the petitioner would submit that the petitioner, to show his *bona fides*, is ready and willing to deposit the balance amount to the de-facto complainant directly.

6. Considering the said submissions made by the learned counsel for the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. 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 Court, Oddanchatram, Dindigul 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 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 shall deposit the remaining amount of Rs.6,00,000/- (Rupees Six Lakhs Only) by way of demand draft drawn in favour of the defacto complainant directly and on production of proof/acknowledgement the learned Magistrate shall accept the sureties furnished by the petitioner.

[b] 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.

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness
<https://www.judiciary.gov.in/> 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/-
09/03/2023

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/03/2023

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

SJI

TO

1. The Judicial Magistrate Court,
Oddanchatram, Dindigul District.
 2. Do-Through The Chief Judicial Magistrate,
Dindigul District.
 3. The Inspector of Police,
All Women Police Station,
Oddanchatram,
Dindigul District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.ARUMUGAM C.M., Advocate (SR-3926[I] dated 10/03/2023)

ORDER
IN
CRL OP(MD) No.317 of 2023
Date :09/03/2023

ED/SBN/SAR-4 (23/03/2023) 3P 6C