



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/01/2023
PRESENT

WEB COPY

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

CRL OP(MD). No.301 of 2023

Chandrasekar

... Petitioner/Accused 3

Vs

The State rep.by
The Inspector of Police,
City Crime Branch,
Tirunelveli City,
Tirunelveli District.
Crime No.17 of 2021.

... Respondent/Complainant

For Petitioner : M/s.MUTHUMALAI RAJA S,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.17 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of I.P.C., in Crime No.17 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused induced the de-facto complainant to invest in online share trading and received an amount of Rs.5,00,000/-from him and later, cheated the de-facto complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner has introduced the de-facto complainant to the other accused and other than that he has not committed any offence as alleged by the prosecution. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner also induced the de-facto complainant and only on the introduction of the petitioner, the de-facto complainant has



invested Rs.5,00,000/- with the accused. He would further state that the petitioner has received Rs.2,00,000/-. Hence, he opposed to grant anticipatory bail.

5.At this juncture, the learned counsel for the petitioner would submit that without prejudice to his defence, the petitioner is ready to deposit Rs.1,00,000/- to the credit of Crime No.17 of 2021 on the file of the learned Judicial Magistrate No.1, Tirunelveli, within a period of two weeks.

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

7.Taking into consideration of the facts and the submissions and that the petitioner is ready and willing to deposit Rs.1,00,000/- to the credit of Crime No.17 of 2021 before the trial Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Tirunelveli, on condition that the petitioner shall execute 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 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.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.17 of 2021 before the learned Judicial Magistrate No.1, 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 co-accused is 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/-

06/01/2023

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

ORDER

IN

CRL OP(MD) No.301 of 2023

Date :06/01/2023

SA/BUC/SAR.2/19.01.2023/3P/5C