



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/01/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.686 of 2023

I.Samraj Shreave Bright ... Petitioner/Accused

Vs

The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.
Crime No.153 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Babu Jaganath R,ADVOCATE

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.153 of 2022 on the file of the Respondent Police.

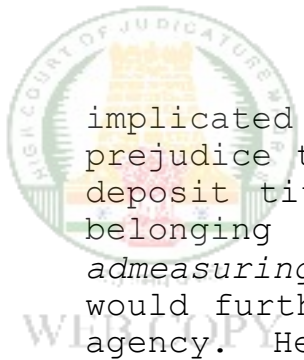
ORDER : The Court made the following order :-

The petitioner/accused apprehends arrest at the hands of the respondent police for the offences punishable under sections 417 and 420 IPC, in Crime No.153 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the other accused have received a sum of Rs.11,00,000/- from the de facto complainant on promising to get a job in the Tamil Nadu Mercantile Bank Limited and subsequently, they have cheated him. Hence, the compliant.

3.The learned counsel for the petitioner submitted that this is the second petition for anticipatory bail. The earlier application in Crl.OP(MD)No.19527 of 2022 came to be dismissed by this Court on 08.11.2022, stating that the investigation of the case is in preliminary stage. Now, the learned counsel for the

<https://www.mca.gov.in/>



implicated in this case. However, to show his *bonafides*, it prejudice to his rights and contentions, he is ready and willing to deposit title deed bearing Doc.No.2018/0103/28/12773 of a property belonging to him in S.Nos.259/2, 259/2A, 259/18A, Patta No.3364, admeasuring to an extent of 1.5 acres, worth about Rs.5 lakhs. He would further submit that he will co-operate with the investigation agency. Hence, prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that there are totally three accused involved in the case and the petitioner herein is arrayed as A1. He would further submit that it is a case of job racking and the total amount cheated is Rs.11,00,000/-. He would further submit that the investigation of the case is in preliminary stage and no change in circumstances. Hence, he would oppose to allow this petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the readiness and willingness of the petitioner to deposit title deeds, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner shall deposit the original title deed bearing Doc.No.2018/0103/28/12773 of a property belonging to him in S.Nos.259/2, 259/2A, 259/18A, Patta No.3364,, without prejudice to his rights and contentions, before the trial Court to the credit of Crime No.153 of 2022, on such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Sathankulam, Thoothukudi**, 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 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 everyday at 10.30 a.m., for a period of two weeks, thereafter, on every Saturday at 10.30 a.m., until further orders;



[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

WEB COPY

[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]**; and;

[f] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/01/2023

/ TRUE COPY /

/12/2022

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

PNM

TO

1.The Judicial Magistrate, Sathankulam, Thoothukudi District.

2.Do-Through The Chief Judicial Magistrate,
Tuticorin District.

3.The Inspector of Police,
Nazareth Police Station, Thoothukudi
District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.686 of 2023

Date :25/01/2023

KB/SAR II(04.02.2023) 3P 5C