



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.03.2023

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PRESENT

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

CRL OP(MD)No.1434 of 2023

Yaswanth @ Yaswanth Vitoba Madane ... Petitioner/Accused No.2

Vs

State Represented by
The Inspector of Police,
District Crime Branch,
Virudhunagar District.
(Crime No.24 of 2022)

... Respondent/Complainant

1 C.Dhandapani
2 S.Jeyalakshmi
3 C.Krishnamoorthy ... Petitioners/Proposed Respondents/Victims
in Crl MP(MD).3764/2023 in Crl OP(MD).1434/2023

For Petitioner : Mr.G.Mariappan, Advocate
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)
For Intervenors : Mr.A.Prasanna Rajadurai, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.24 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 IPC in Crime No.24 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons induced the defacto complainant to pledge the 37 ½ sovereigns of gold jewels and obtained Rs.4,00,000/-. Thereafter, they failed to give the money and also refused to give the jewels. Hence, the case.



3. Heard and perused the materials available in the reco

4. The learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to deposit his share in the alleged misappropriated amount.

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5. In view of the above submission, this court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Cr.No.24 of 2022 before the Judicial Magistrate No.II, Virudhunagar, within a period of two weeks from the date of receipt of a copy of this order, failing which, the petition for anticipatory bail stand dismissed automatically.

6. On such deposit, 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 No.II, Virudhunagar 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, daily at 10.30 A.M., for a period of two weeks and thereafter, as and when required for interrogation;

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

10/03/2023

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/03/2023

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



gns

TO

1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
VIRUDHUANGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.MARIAPPAN G, Advocate (SR-3932[I] dated 10/03/2023)

ORDER

IN

CRL OP(MD) No.1434 of 2023

Date :10/03/2023

RS/SBN/SAR-4(17.03.2023) 3P 6C