



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.1649 of 2023

WEB COPY

Suresh Babu

... Petitioner/Accused No.2

-VS-

The State represented by
The Inspector of Police,
District Crime Branch, Nagercoil,
Kanyakumari District.
(in Cr.No.08 of 2010)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.08 of 2010.

For Petitioner

: Mr.S.KARTHIKEYAN, Advocate

For Respondent

: Mr.K.SANJAI GANDHI

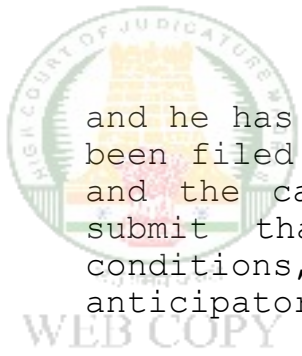
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 406 and 420 of IPC in Crime No.08 of 2010 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 have run a financial company in the name of UNICEF finance Company and received deposits from several persons and cheated them to the tune of Rs.14,56,000/-. The respondent, after completion of investigation, has filed a final report and the case has been taken up in C.C.No.31 of 2018 on the file of the learned Judicial Magistrate No.II, Kuzhithurai, and the petitioner has been shown as an absconding accused.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case, since he happens to be the husband of the first accused, Rajalakshmi. He would also submit that the petitioner is employed abroad and that while he was in abroad, his wife and others were implicated in this case. He would further submit that since he was abroad, he was not aware of the case being registered against him



and he has been shown as absconding accused and the final report as been filed before the learned Judicial Magistrate No.II, Kuzhithurai and the case was taken up in C.C.No.31 of 2018. He would also submit that the petitioner is ready to abide any stringent conditions, that may be imposed on him. Hence, he would pray for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner is arrayed as A2 and he along with other accused have cheated several gullible victims to the tune of Rs.14,56,000/- in the guise of running a finance company. He would further submit that the allegation against the petitioner is that he has assisted his wife, A1. He would also submit that the case is now taken up in C.C.No.31 of 2018 and as against the petitioner, Non-Bailable Warrant was also issued on 26.04.2018 and the case stands posted for hearing on 01.03.2023. Hence, he would strongly oppose for grant of anticipatory bail to the petitioner.

5.Heard and perused the materials available on record. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 No.II, Kuzhithurai, Kanyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, everyday at 10.30 a.m., on all working days for a period of one week and thereafter, on the dates fixed by the learned Trial Judge.

[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 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/-

30/01/2023

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/02/2023

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

CMR

TO

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

+1. CC to M/S. KARTHIKEYAN.S Advocate SR.No.1397

ORDER**IN**

CRL OP (MD) No.1649 of 2023

Date :30/01/2023

SA/CG/SAR.3/14.02.2023/3P/6C