



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

Wednesday, the First day of February Two Thousand and Twenty Three

PRESENT

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

CRL OP(MD) . No.1569 of 2023

1. Nagendhiran
2. Seeralan
3. Siddharth
4. Jeyaraman
5. Muthuselvan

... Petitioners/Accused A1 to A5

Vs

State rep. by,
The Inspector of Police,
District Crime Branch,
Theni,
Theni District.
(Crime No.4 of 2023)

... Respondent/Complainant

For Petitioners : M/s.Senguttuarasan.P

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420 and 120(b) of IPC, in Crime No.4 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant, namely, Senthil Kumar is that he is practicing advocate at Uthamapalayam Court and during the year 2021, the first accused approached him and induced him stating that he knows the higher political parties and he would secure the post of Additional Public Prosecutor at Sub Court, Uthamapalayam and he has also received a sum of Rs.9,00,000/- (Rupees Nine Lakhs only) and cheated him. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would further submit that the defacto complainant is a practicing advocate and a case of financial transaction has been falsely projected as a case of cheating. He further submitted that in the FIR, the defacto complainant being an Advocate having stated that he has has given the amount as bribe for getting posts of Additional Public Prosecutor, itself would amount to an offence. He further submitted that petitioners 2 and 3 are sons' of the first petitioner, who are unnecessarily roped in this case. He would further submit that without prejudice to his defence, the petitioners are ready and willing to deposit a sum of Rs.4,50,000/- (Rupees Four Lakhs and Fifty Thousand only) to the credit of Crime No.4 of 2023 on the file of the Judicial Magistrate Court, Theni, Theni District. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the first petitioner claiming himself to be a District Secretary of the political party along with other accused had induced the defacto complainant to pay a sum of Rs.9,00,000/- (Rupees Nine Lakhs only) for getting the posts of Law Officer in the Sub Court, Theni and cheated him. Hence, he opposed to grant anticipatory bail to the petitioners.

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

6.Taking into consideration the facts and the submissions and that the petitioners are ready and willing to deposit Rs.4,50,000/- (Rupees Four Lakhs and Fifty Thousand only) to the credit of Crime No.4 of 2023 before the Judicial Magistrate Court, Theni, Theni District, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Theni, Theni District, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners 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 petitioners shall deposit a sum of Rs.4,50,000/- (Rupees Four lakhs and fifty Thousand only) to the credit of Crime No.4 of 2023 before the learned Magistrate Court, Theni, Theni District, without prejudice to his rights and



contentions, at the time of furnishing sureties.

[c] the petitioners shall report before the respondent police every day at 06.30 p.m for a period of two weeks and thereafter, every Saturday at 10.30 a.m until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners 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/-

01/02/2023

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

TTA

TO

1. THE JUDICIAL MAGISTRATE, THENI, THENI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

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

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

+1. CC to M/S.RANJITH.N Advocate SR.No.1615(I)

ORDER

IN

CRL OP(MD) No.1569 of 2023

Date :01/02/2023

NA/SBN/SAR-3/16.02.2023/3P/6C