



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

Date : 08.03.2023

PRESENT

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

CRL OP(MD)No.2386 of 2023

S.Thiyagarajan

... Petitioner/Accused No.2

Vs

The State Represented by
The Inspector of Police,
Veliyanai Police Station,
Karur District.

(Crime No.425 of 2021)

... Respondent/Respondent

For Petitioner : Mr.V.Sukumar, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.425 of 2021 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 294(b),
417, 420, 468 and 506(i) IPC in Crime No.425 of 2021 on the file of
the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant
paid a sum of Rs.13,00,000/- by way of deposit with the accused
persons. On receipt of the same, they were executed pro-note
instead of depositing the same. Hence, the case.

3.Heard the learned counsel appearing for the petitioner and
the learned Government Advocate(Crl.side) appearing for the
respondent police.

4.It is seen that there are totally 11 accused in this case and
the petitioner is arrayed as second accused. Even according to the
defacto complainant, the amount has been paid from 23.09.2017 to
24.10.2018 through fixed deposit. That apart, on receipt of the



amount, the accused persons executed pro-note in favour of the defacto complainant and in this connection, a suit for recovery of money in O.S.No.196 of 2020 is also pending before the Principal District Court, Karur. Therefore, it is nothing but money transaction and custodial interrogation of the petitioner does not require. Hence, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5. 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, Karur 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/-
08/03/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD)



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- 1 THE JUDICIAL MAGISTRATE NO.II,
KARUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
VELIYANAI POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SUKUMAR V, Advocate (SR-3834[I] dated 09/03/2023)

ORDER
IN
CRL OP(MD) No.2386 of 2023
Date :08/03/2023

PKP/BUC/SAR-2/17.03.2023/ **3P/6C**