



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.2280 of 2023

WEB COPY

Senthilkumar

...Petitioner/1st Accused

-vs-

The State represented by
The Inspector of Police,
City Crime Branch (CCB) Police,
Tirunelveli District.
(in Cr.No.17 of 2021)

...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.17 of 2021.

For Petitioner
For Respondent

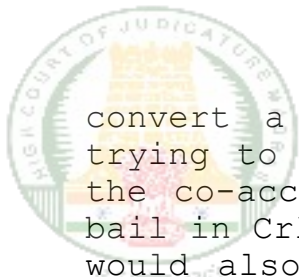
: Mr.D.Venkatachalam, Advocate
: Mr.P.Kottai Chamy
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 420 IPC in Crime No.17 of 2021 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 petitioner along with other accused induced him stating that if he deposits in some shares, they would give more amounts and thereby, believing the same, the de-facto complainant and his wife have invested Rs.5,00,000/- into the accounts of the accused, whereas, the accused have cheated them. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that there was a dispute in business transaction between the petitioner and the de-facto complainant in respect of selling Sidha medicine and thereby, the complaint has been given. He would submit that though the alleged occurrence stated to have been taken place during the year 2019, the complaint has been given very belatedly during the year 2021. He would also submit that the de-facto complainant with the help of police is attempting to



convert a civil transaction into a case of criminal nature and trying to recover the amount by force. He would also submit that the co-accused in this case have been already granted anticipatory bail in Crl.O.P(MD)No.14804 of 2021, by order, dated 07.10.2021. He would also submit that the petitioner on summons, appeared before the respondent Police and the respondent Police has also got a written statement from the petitioner according to their choice. Hence, he would pray for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner along with other accused induced the de-facto complainant that if he deposits in some shares, they would give more interest and thereby, believing the same, the de-facto complainant and his wife have invested Rs.5,00,000/- into the accounts of the accused, whereas, the accused have cheated them. Hence, he would oppose for grant of anticipatory bail to the petitioner.

5.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.I, Tirunelveli, 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 three weeks and thereafter, every Saturday at 10.30 am until further orders.

[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.

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

CMR

TO

1 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.

2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

THE INSPECTOR OF POLICE
CITY CRIME BRANCH(CCB) POLICE,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.VENKATACHALAM D Advocate SR.No.1929(I)

ORDER
IN
CRL OP(MD) No.2280 of 2023
Date :06/02/2023

VA/SBN/SAR-2/15.02.2023/3P/6C