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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2023

PRESENT

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

CRL OP(MD). No.3080 of 2023

P.Babusriram, ... Petitioner/Accused Rank Not known

Vs

State Rep.by
The Inspector of Police,
Karaikudi North Police Station,
Karaikudi,
Sivagangai District.
(Crime No.389/2022).

... Respondent/Complainant

For Petitioner : Mr.S.Rajasekar, Advocate
for M/s.Lajapathi Roy and Associates

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

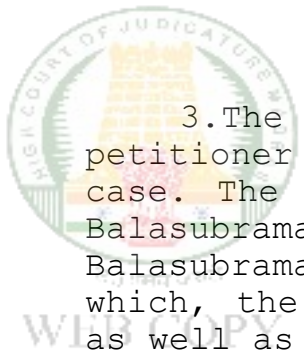
PRAYER :-

For Anticipatory Bail in Crime No.389/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of I.P.C., in Crime No.389 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused had induced the de-facto complainant that they would get a typist job in Courts for his niece one Vennila and had received an amount of Rs.7,00,000/- during the year 2019 and later, cheated them. The petitioner who is the brother of A2, has also been implicated in this case. Hence, the case.



3.The learned counsel for the petitioner would submit the petitioner is an innocent and he has been falsely implicated in this case. The petitioner is the younger brother of the second accused Balasubramanian. The respondent police have arrested the said Balasubramanian and kept him in illegal detention, in respect of which, the petitioner had sent complaint to the higher authorities as well as to the State Human Rights Commission and only thereafter, the respondent police, based on the confession alleged to have been recorded from the second accused Balasubramanian, has implicated the petitioner and the other family members in this case. He would further submit that the petitioner is absolutely innocent and he is ready to appear before the respondent police for investigation. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner is the younger brother of the second accused. The accused have induced gullible victims on the guise of obtaining jobs in the Law Department in Courts and they have received money to the tune of several lakhs. He would further submit that the petitioner has been implicated based on the confession recorded from the second accused. Hence, he would object for grant of anticipatory bail.

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

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7.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, Karaikudi, 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 four weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness
<https://www.mca.gov.in> 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/-
16/02/2023

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/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

- 1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION,
KARAIKUDI,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LAJAPATHI ROY AND ASSOCIATES, Advocate (SR-2499[I]
dated 20/02/2023)

ORDER
IN
CRL OP(MD) No.3080 of 2023
Date :16/02/2023

PKP/SBN/SAR-1/24.02.2023/3P/6C