



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/02/2023

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PRESENT

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

CRL OP(MD) . No.3346 of 2023

Christy Jeevangan @ Jeevahan

... Petitioner/Accused

Vs

The State Rep.by
The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Nagamalai Pudukkottai,
Madurai.
Crime No.35/2023

... Respondent/Complainant

For Petitioner : M/s.S.Thangaraj,
Advocate.

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

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

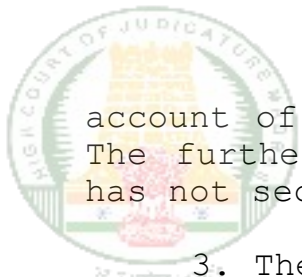
PRAYER :-

For Anticipatory Bail in Crime No.35/2023 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 section 420 of I.P.C., in Crime No. 35 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that her husband decided to run a tasmac shop and the petitioner herein promised securing tasmac bar tender in favour of the husband of the defacto complainant, for which the husband of the defacto complainant transferred first instalment of Rs.2lakhs to the bank



account of the petitioner and one lakh cash was given to 1. The further allegation is that even after one year the petitioner has not secured the tasmac bar tender, hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a case of money dispute has been converted into criminal case and the defacto complainant has given a false complaint alleging that the petitioner received money for getting a tasmac shop tender. He would further submit that earlier the defacto complainant had given complaint before the respondent police and enquiry was conducted and the same was closed and subsequently the defacto complainant has also sent a legal notice on 25.01.2023 in respect of return of cheque wherein she has not stated anything about the alleged offer of the petitioner to get the tasmac shop tender and only to make a case of civil dispute into criminal case a false complaint has been given, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner promised to arrange tasmac shop tender in favour of the husband of the defacto complainant and received a sum of Rs.3,00,000/- and thereafter cheated him by not arranging the tasmac shop, hence he objected to grant anticipatory bail to the petitioner.

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 and also the fact that it is stated to be a case of money dispute 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 No.VI, Madurai 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, on every alternate day at 10.30 a.m., 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 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/-

21/02/2023

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

AAV

TO

1. The Judicial Magistrate No.VI, Madurai.
 2. -do-Through The Chief Judicial Magistrate, Madurai.
 3. The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Nagamalai Pudukkottai,
Madurai.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.S.THANGARAJ, Advocate (SR-2667[I] dated 22/02/2023)

ORDER

IN

CRL OP(MD) No.3346 of 2023

Date :21/02/2023

RD/SAR-I(27/02/2023) 3P 6C

<https://www.mhc.tn.gov.in/judis>