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CRL OP(MD).



23

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.3608 of 2023

Ramalingam ... Petitioner/Sole Accused

Vs

1.The State Rep.by
The Inspector of Police,
District Crime Branch,
Kanyakumari District.
Crime No. 06 of 2023.

... Respondent/Complainant

2. Ravi ... Petitioner / Intervener

For Petitioner : R. Srinivasan,
Advocate.

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

For Intervenor : Mr.S.Sivakumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.06 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole 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.06 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner stated that he is having a very

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



good influence in the Railway board, and he can get a job. The defacto complainant's son and the defacto complainant also gave a sum of Rs.85,00,000/- to the petitioner. After receiving the said amount, the petitioner could not able to get the job to the defacto complainant's son. Hence, the complaint.

WEB COPY 3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

4. It is seen that on 25.12.2016, the petitioner received a sum of Rs.85,00,000/- by cash in order to get a job for the defacto complainant's son. However, he failed to get any suitable job for him and also refused to return the amount. Though the complaint was lodged before the jurisdictional police, it was not considered and as such, the petitioner was constrained to file a petition for a direction under Section 156(3) of Cr.P.C and based on the direction issued by the learned Magistrate, the respondent registered the F.I.R. There is no document to show that a sum of Rs.85,00,000/- was paid to the petitioner. Therefore, the custodial interrogation of the petitioner is not required, and this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

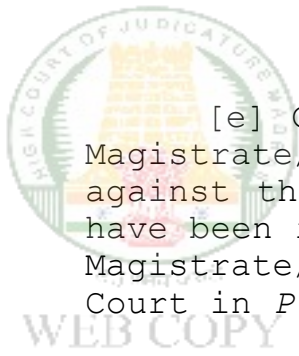
Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Kuzhipirai, Kanyakumari District on condition that the petitioner 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 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/-

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

PS

TO

1. The Judicial Magistrate No.II,
Kuzhipirai, Kanyakumari District.
 2. -do-Through The Chief Judicial Magistrate,
Kanyakumari at Nagercoil.
 3. The Inspector of Police,
District Crime Branch,
Kanyakumari District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.R.SRINIVASAN, Advocate (SR-3856[I] dated 10/03/2023)

ORDER

IN

CRL OP(MD) No.3608 of 2023

Date :08/03/2023

RD/MMS/SARA-I (17/03/2023) 3P 6C