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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.3752 of 2023

Sanmugam (Sanmugasundram) @ Shanmugasundaram

... Petitioner/Accused No.4

Vs

1.The Inspector of Police,  
Gandamanur Police Station,  
Theni District.  
Crime No.29 of 2023.

... Respondent/Complainant

2.Vellaiyappan

...2<sup>nd</sup> Respondent

For Petitioner : M.Jerin Mathew,  
Advocate.

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

For Intervenor : Mr.V.Janakiramulu

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

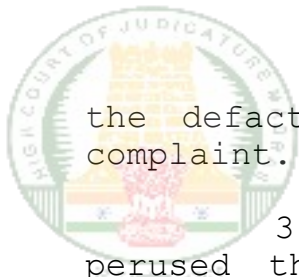
PRAYER :-

For Anticipatory Bail in Crime No. 29 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.4, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 406, 420, 387 and 506(2) of I.P.C., in Crime No.29 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complaint is that the petitioner along with other accused cheated



the defacto complainant to the tune of Rs.60 lakhs. He filed the complaint.

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

4. The case of the prosecution is that the accused persons compelled the defacto complainant to give a sum of Rs.80,00,000/- by way of 500 notes, in turn, they will give one crore by 2000 notes. Believing the same, the defacto complainant parted the money and thereafter, took it away on 04.02.2023, whereas the complaint was lodged on 19.02.2023. When there was a serious offence, the defacto complainant would have given the complaint immediately. That apart, the petitioner and the defacto complainant have known each other and as such, there was a business transaction and in order to settle the issue, the complaint has been lodged as against the petitioner and 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, Andipatty 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 were imposed and the petitioner released on bail by the learned



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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.

PS

TO

1. The Judicial Magistrate, Andipatty.
2. Do through the Chief Judicial Magistrate,  
Theni District.
3. The Inspector of Police,  
Gandamanur Police Station,  
Theni District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.JERIN MATHEW, Advocate ( SR-3837[I] dated  
09/03/2023 )

ORDER

IN

CRL OP(MD) No.3752 of 2023

Date : 08/03/2023

NA/SBN/SAR-3/17.03.2023/3P/6C