



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.4373 of 2023

1.Isapella

2.Jerry @ Wilsend Serry ... Petitioners/ Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Fort Police Station,
Trichy.
(in Crime No.1057 of 2022) ... Respondent/ Complainant

For Petitioners : Mr.M.Sridharan,
Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor
(crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1057 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused 1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of I.P.C., in Crime No.1057 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons have received totally a sum of Rs.7,00,000/- from the defacto complainant for getting job to her son in a school. Thereafter, they cheated the defacto complainant and they neither returned the amount nor obtained the job and also threatened the defacto complainant. Hence, the complaint.



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

4.It is seen that there was a money transaction between the petitioners and the defacto complainant. During the years 2019 to 2021, there were complaints lodged by the defacto complainant and the said complaints were closed as the case is civil in nature. Now in the year 2022, the defacto complainant lodged the present complaint with the aforesaid allegations. Therefore, it is only money transaction and as such, custodial interrogation of the petitioners is not required in this case.

5.In view of the above, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 second 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 and the first petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



CRL OP(MD)



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[f] If the accused thereafter absconds, a fresh FI registered under Section 229A IPC.

sd/-
07/03/2023

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WEB COPY

/ 03 /2023

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

cp

TO

1.The Judicial Magistrate No.1, Trichy.

2. -do-Through The Chief Judicial Magistrate, Trichy.

3.The Inspector of Police,
Fort Police Station,
Trichy.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SRIDHARAN, Advocate (SR-3632[I] dated 08/03/2023)

ORDER

IN

CRL OP(MD) No.4373 of 2023

Date :07/03/2023

RD/BUC/SAR-II (24/03/2023) 3P 6C