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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.03.2023

PRESENT

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

CRL OP(MD)No.4702 of 2023

Karuppaiah

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.
(Crime No.22 of 2023)

... Respondent/Complainant

For Petitioner : Mr.Muniyandi, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.22 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 IPC in Crime No.22 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is doing man power agency at Ramanathapuram District. The petitioner is also doing man power agency at his native place and thereby, he requested to send persons those who are interested to go to abroad. On such request the defacto complainant approached the petitioner for sending four persons to Russia and they were also sent to Russia. However, they did not get any job as assured by the petitioner. Hence, they returned to India and demanded money from the defacto complainant. Therefore, the defacto complainant approached the petitioner to return the money. However, the

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petitioner did not give any money to the defacto com. Hence, the case.

3. Heard and perused the materials available in the records.

4. It is seen that the petitioner, after receiving money, sent all the victims to Russia. Due to war, they were return back to India.

5. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. 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, Paramakudi 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 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/-

14/03/2023

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



TO

1.The Judicial Magistrate,
Paramakudi.

2.Do through the Chief Judicial Magistrate,
Ramanathapuram District.

3.The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-4202[I] dated 14/03/2023)

ORDER IN
CRL OP(MD)No.4702 of 2023
DATE : 14.03.2023

NA/SBN/SAR-2/28.03.2023/3P/6C