



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

Date : 29/03/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.5873 of 2023

Kannan

... Petitioner/Accused No.2

Vs

State rep. by
The Inspector of Police,
Town North Police Station,
Dindigul District.
Cr.No.426/2022.

... Respondent/Complainant

For Petitioner : M/s.Karuna.V,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

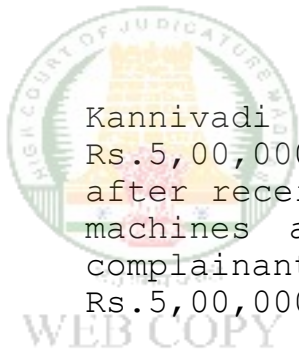
PRAYER :-

For Anticipatory Bail in Crime No.426/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 417 and 420 of I.P.C., in Crime No.426 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the first accused had approached the de-facto complainant and she had also introduced the petitioner stating that the petitioner is her husband and working as Clerk in the Commercial Taxes Department and both of them have promised to arrange a loan with subsidy from District Industrial Centre, Dindigul to purchase sewing machines and thereby, the de-facto complainant had given a sum of Rs.30,000/- to the first accused and based on that, the de-facto complainant has also sent loan application with Canara Bank,



Kannivadi Branch, Dindigul and thereafter, Canara Bank has paid Rs.5,00,000/- in favour of the first accused. The first accused after receiving the amount of Rs.5,00,000/-, did not delivery sewing machines and cheated the de-facto complainant and the de-facto complainant was made liable for the amount of Rs.5,00,000/- by the bank. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has already filed a petition in Crl.O.P.(MD)No.22201 of 2022 and this Court vide order dated 16.12.2022 has granted anticipatory bail with the condition to deposit a sum of Rs.1,00,000/- to the credit of Crime No.426 of 2022 before the concerned Court. He would further submit that due to financial crisis, he could not able to comply with the condition as imposed by this Court. Therefore, he filed extension petition before this Court in Crl.M.P.(MD)No.1189 of 2023 and the same was allowed on 24.01.2023. But the petitioner was unable to deposit the amount of Rs.1,00,000/-. Therefore, the petitioner is constrained to file the above application.

4.Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner has already been granted anticipatory bail by this Court, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5.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, Dindigul, 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 deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.426 of 2022 before the concerned Court, while furnishing sureties.

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness
<https://www.e-cir.gov.in/> during investigation or trial.



[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/03/2023

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/04/2023

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

SJI

TO

1. The Judicial Magistrate No.II, Dindigul.
 2. Do-Through The Chief Judicial Magistrate,
Dindugul District.
 3. The Inspector of Police,
Town North Police Station,
Dindigul District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/S.V.KARUNA, Advocate, SR.No.18775(F)

ORDER
IN
CRL OP(MD) No.5873 of 2023
Date : 29/03/2023

NA/CG/SAR-2/19.04.2023/3P/6C

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