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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2023

PRESENT

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

CRL OP(MD) . No.5840 of 2023

Suresh Kumar

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch
Virudhunagar,
Virudhunagar District.
In Crime No.33 of 2022.

... Respondent/Complainant

For Petitioner : M/s.R. Murugappan,
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.33 of 2022 on the file of the Respondent Police.

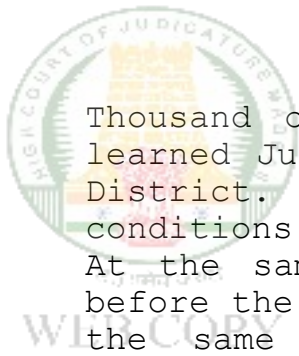
ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 406 and 420 of I.P.C., in Crime No.33 of 2022 on the file of the respondent police, seeks anticipatory bail.

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

3.The petitioner was already granted anticipatory bail by this Court in Crl.O.P.(MD)No.22550 of 2022, dated 23.12.2022 on condition that he should deposit a sum of Rs.5,50,000/- (Rupees Five Lakhs and Fifty

<https://www.mhco.org.in>



Thousand only) to the credit of Crime No.33 of 2022 before the learned Judicial Magistrate Court No.II, Virudhunagar, Virudhunagar District. However, the petitioner has failed to comply with the conditions imposed by this Court within a time fixed by this Court. At the same time, the petitioner has also challenged this order before the Hon'ble Supreme Court of India in SLP No.2911 of 2023 and the same is pending. While pending SLP, the petitioner has surrendered before the learned Magistrate as directed by this Court with a condition to deposit Rs.5,50,000/- to the credit of crime number. However, the learned Magistrate has returned the same for the reason stated that the time already expired.

4.Now the learned counsel for the petitioner would submit that the petitioner undertakes to withdraw the SLP pending before the Hon'ble Supreme Court of India and he is also ready and willing to deposit the said amount within a time stipulated by this Court.

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

6.Accordingly, the petitioner shall deposit a sum of **Rs.5,50,000/- (Rupees Five Lakhs and Fifty Thousand only) to the credit of Crime No.33 of 2022 before the learned Judicial Magistrate Court No.II, Virudhunagar, Virudhunagar District**, without prejudice to his rights and contentions before the trial Court.

7.On such deposit being made, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.II, Virudhunagar, Virudhunagar 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 learned Magistrate concerned and on further conditions 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 every Saturday at 10.30 a.m., until further orders.

[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.

8.It is also made clear that the petitioner failed to comply with the condition within a period stipulated by this Court, the anticipatory bail granted by this Court shall stand cancelled automatically without further reference to the Court.

sd/-
28/03/2023

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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 COURT NO.II,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5840 of 2023
Date :28/03/2023

RK/CG/SAR-3(10/04/2023) 3P/5C