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CRL OP(MD)



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

Date : 09.03.2023

PRESENT

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

CRL OP(MD)No.7462 of 2022

1.Salomi Befina

2.Augustine

... Petitioners/1st and 2nd Accused

Vs

1.State rep.by

The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(Crime No.10 of 2022)

... Respondent/Complainant

2.Santhiya

... Petitioner/Defacto Complainant
(IN CRL MP(MD) No.5378 of 2022)

For Petitioners : Mr.S.Poorna Chandran

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

For Intervenor : Mr.J.Joseph Zinoson

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

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 120B r/w Section 34 IPC in Crime No.10 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners received threats from the defacto complainant and 13 other persons by



giving false promise of getting job in abroad with high ⁷. However, the victims paid very lessor salary. Hence the case.

3. Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the intervenor and the learned Additional Public Prosecutor appearing for the respondent police.

4. The learned counsel appearing for the petitioners submitted that the petitioners are ready and willing to deposit the commission amount received by them.

5. Considering the above submission, this court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall jointly deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.10 of 2022 before the Judicial Magistrate No.IV, Thoothukudi within a period of two weeks from the date of receipt of a copy of this order.

6. On such deposit, 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.IV, Thoothukudi, 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 petitioners 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 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].



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

sd/-
09/03/2023

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

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TO

- 1.The Judicial Magistrate No.IV,
Thoothukudi.
- 2.Do through the Chief Judicial Magistrate,
Thoothukudi.
- 3.The Inspector of Police,
District Crime Branch,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP (MD) No.7462 of 2022
DATE: 09.03.2023

NA/MMS/SAR-2/17.03.2023/3P/5C