



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 09.03.2023

PRESENT

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

CRL OP(MD)No.7651 of 2022

Muthuraj

... Petitioner/Accused

Vs

1.The Inspector of Police,
District Crime Branch,
Thenkasi, Thenkasi District.
(Crime No.2 of 2022)

...Respondent/Complainant

2.Mahesh

... 2nd Respondent

(R2 sue motu impleaded as per order
of this Court dated 30.08.2022 in
Crl.O.P. (MD)No.7651 of 2022)

3.K.Selvavinayagam

...Petitioner/Intervener/Victim
in CRL MP(MD)No.16002 of 2022

4 P.Raja

5 K.Karuppasamy

6 P.Madasamy

7 M.Praveen Kumar

8 S.Anbarasan

9 K.Kumar

10 M.Rajadurai

11 M. Prathap Singh

12 R.Ananthi

13.K.Balamurugan

14.R.Uma Sankar



15 K.Manoj Kumar

16 Esakki Pandian

17 M.Madasamy

18 V.Dhinakaran

19 S.Rajaji

20 K.Sebin Kuttu

21 R.Induja

...Petitioners/Intervenors/
Defacto complainants
in CRL MP(MD)No.13214 of 2022

For Petitioner : Mr.R.Rajesh, Advocate

For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

For Intervenors : Mr.P.Paramasivan, Advocate
in CRL MP(MD)No.13214 of 2022

Mr.R.Riyaz Mohammed, Advocate
in CRL MP(MD)No.16002 of 2022

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

PRAYER :-

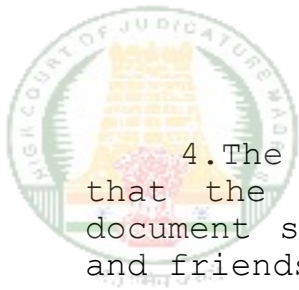
For Anticipatory Bail in Crime No.2 of 2022 on the file of the Respondent Police.

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 Section 420 IPC in Crime No.2 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the Managing Director of the MN Insiya Charitable Foundation and he collected Rupees one crore from the 50 victims in order to secure job. Thereafter, he also issued a fabricated order of appointment in the private charitable trust as Manager. Thereby, he swindled huge amount. Hence, the case.

3.Heard the learned counsel appearing for the petitioner, the learned counsel for the intervenors and the learned Additional Public Prosecutor appearing for the first respondent police.



4.The learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to deposit the title document stands in the name of the petitioner, his family members and friends to the credit of crime number.

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5.Considering the above submission, this court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit original title document worth about Rupees one crore stands in the name of petitioner, his family members and friends to the credit of Cr.No.2 of 2022 before the Judicial Magistrate, Thenkasi along with valuation certificate issued by the authorities concerned, within two weeks from the date of receipt of a copy of this order.

6.On such deposit, 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, Thenkasi, Thenkasi 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 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].



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CRL OP(MD)



22

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

sd/-
09/03/2023

/ TRUE COPY /

/03/2023

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

gns

TO

1. THE JUDICIAL MAGISTRATE, THENKASI, THENKASI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENKASI, THENKASI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.P.PARAMASIVAN, Advocate (SR-3912[I] dated 10/03/2023)

+1 CC to M/s.R.RAJESH, Advocate (SR-3959[I] dated 10/03/2023)

ORDER
IN
CRL OP(MD) No.7651 of 2022
Date :09/03/2023

RK/BUC/SAR-3(17/03/2023) 4P/8C