



(Crime



3).

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

Date : 30/03/2023

PRESENT

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

CRL OP(MD). 5967 of 2023

1.R.Muthuselvam
2.D.Sivanesan

... Petitioners /
Accused Rank Not Known

Vs

State rep by
The Inspector of Police,
Gandamanur Taluk Police Station,
Theni District.
(Crime No.29 of 2023).

... Respondent / Complainant

For Petitioner : Mr.K.Dinesh, 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.29 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

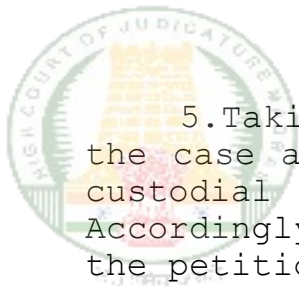
The petitioner/rank not known, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 387 and 506(2) of IPC in Crime No.29 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution according to the defacto complainant is that the petitioners along with other accused cheated the defacto complainant to the tune of Rs.60 Laksh. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.Heard the learned Additional Public Prosecutor appearing for the respondent.

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



(Crime)



3).

5. Taking into consideration of the facts and circumstances of the case and the co-accused was already granted by this Court, the custodial interrogation of the petitioners is not required. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are 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, Andipatti, Theni District, on condition that the petitioner 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 four 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].

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

sd/-
30/03/2023

/ TRUE COPY /

/04/2023

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



(Crime



3).

To

1.The Judicial Magistrate,
Andipatti, Theni District.

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

3.The Inspector of Police,
Gandamanur Police Station,
Theni District.

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

+1 CC to M/s.K.DINESH, Advocate (SR-5236[I] dated 31/03/2023)

ORDER

IN

CRL OP(MD) No.5967 of 2023

Date :30/03/2023

ED/VR/SAR-3 (10/04/2023) 3P 6C