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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/04/2023

PRESENT

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

CRL OP(MD) . No.6615 of 2023

Ponmanikandan

... Petitioner/Accused No.1

Vs

The State rep., by
The Inspector of Police,
Annavasal Police Station,
PUdukkottai District.
(Crime No.42 of 2023)

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar
Advocate

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

For Intervenor : Mr.P.Ganapathisubramanian
Advocate

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

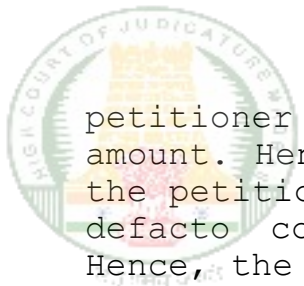
PRAYER :-

For Anticipatory Bail in Crime No.42 of 2023 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 147, 294(b), 420 and 506(ii) of IPC, in Crime No.42 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant citizen of the Malaysia and the petitioner went there for his job, at that time, the petitioner made a false promise to marry her and said to have received a sum of Rs.40,00,000/- from her and had sexual relationship with her. After return back to India, the



petitioner refused to marry her and refused to return back the amount. Hence, the defacto complainant came to India and questioned the petitioner, at that time, the petitioner said to have abused the defacto complainant and threatened her with dire consequences. Hence, the case.

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3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the petitioner had relationship with the defacto complainant/victim for the past five years and there was money transaction between them. When the defacto complainant questioned the petitioner, he refused to return money and also threatened her with dire consequences.

5. Considering the facts and circumstances of the case, the custodial interrogation of the petitioner does not require. Therefore, this Court is inclined to grant anticipatory bail to petitioner, with certain conditions.

6. 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, Iluppur, Pudukkottai 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 am., 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 imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon 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.

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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, Ilupur, Pudukkottai District.
2. Do through the Chief Judicial Magistrate,
Pudukkottai District.
3. The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.6615 of 2023

Date : 11/04/2023

NA/BUC/SAR-3/19.04.2023/3P/5C