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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.8773 of 2022

1.Surya @ Suriyapandi

2.Ravikumar @ Ravi

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep by
The Inspector of Police,
District Crime Branch,
Ramanathapuram,
Ramanathapuram District.
(In Crime No.30 of 2021)

... Respondent/Complainant

For Petitioners : Mr.A.Karthick Kumar, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.30 of 2021 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 IPC in Crime No.30 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners received Rs.3,20,000/- from the defacto complainant by giving false promise of getting government job in Forest Department. Thereafter, they failed to get job and also refused to return the amount. Hence the



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

4. The learned counsel appearing for the petitioners submitted that so far they have returned Rs.2,20,000/- and for remaining Rs.1,00,000/-, the petitioners are ready and willing to pay the same to the defacto complainant.

5. Considering the above submission, this court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall jointly pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the defacto complainant by way of Demand Draft within a period of two weeks from the date of receipt of a copy of this order.

6. On production of proof of payment, 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 Judicial Magistrate Court No.II, Ramanathapuram 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 FII registered under Section 229A IPC.

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

GNS

TO

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

+1 CC to M/s.A.KARTHICK KUMAR, Advocate (SR-3764[I] dated 09/03/2023

ORDER

IN

CRL OP(MD) No.8773 of 2022

Date :09/03/2023

PKP/BUC/SAR-4/21.03.2023/ **3P/6C**