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CRL OP(MD)



22

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.8819 of 2022

Omkumar

... Petitioner/Accused No.2

Vs

State rep.by  
The Inspector of Police,  
Rayappanpatti Police Station,  
Theni.  
(Crime No.498 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.Sathish Kumar, 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.498 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 IPC in Crime No.498 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused received Rs.23,50,000/- from the defacto complainant and other victim by giving false promise of getting job in the Stanly Hospital and also gave forged appointment order. Hence, the case.

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

4.It is a case of job-racketing and totally Rs.23,50,000/- has been received from the victims. Insofar as the petitioner is concerned, he received Rs.3,50,000/-. The first accused in this case was arrested and released on bail. The learned counsel appearing for



the petitioner submitted that the petitioner is ready and w. to deposit his share.

5. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand only) to the credit of Cr.No.498 of 2021 before the Judicial Magistrate, Uthamapalayam, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his defence.

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, Uthamapalayam 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 four 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].

[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.

gns

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



TO

1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, RAYAPPANPATTI POLICE STATION,  
THENI DISTRICT.

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

+1 CC to M/s.K.SATHISKUMAR, Advocate ( SR-4092[I] dated 13/03/2023 )

ORDER

IN

CRL OP(MD) No.8819 of 2022

Date :09/03/2023

RS/CG/SAR-3(21.03.2023) 3P 6C