



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

Date : 17/04/2023

PRESENT

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

CRL OP(MD) . No.7000 of 2023

WEB COPY

Kannan

... Petitioner/Accused No.2

Vs

State rep. by
The Inspector of Police,
District Crime Branch,
Dindigul District.
(Crime No.2 of 2023)

... Respondent/Complainant

For Petitioners : Mr.V.Karuna, Advocate
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

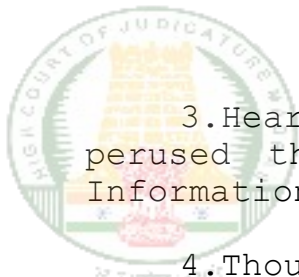
PRAYER :-

For Anticipatory Bail in Crime No.2 of 2023 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 sections 120B, 406, 420, 294(b) and 506(i) of I.P.C., in Crime No.2 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant namely Soundeswari, W/o.Kumaravel is a tailor and A1 is her customer, on that basis, A1 arranged business improvement loan from Canara Bank, Chinnalapatti Branch for Rs.4,92,939/- for purchase of sewing machines, A1 recommended "Raja Sewing Machines" and obtained quotation from the concerned and handed over to the defacto complainant, on that basis, a D.D. (No.532002 dated 25.02.2022) for Rs.4,92,939/- was issued to the said company from the defacto complainant's bank account, that on 31.03.2022, the sewing machines were delivered, when she opened the parcel and found that 14 number of machines are old machines out of 18 machines, when she questioned about A1, she has not replied properly, further, on enquiry, she found that the quotation and bills are not a *bona fide* one and are forgerly created one and also found that the phone number shown in the quotation and bill is belongs to A2, who is husband of A1. Hence, she made demand to the accused to get back all the sewing machine and return back the money already paid by her, they refused it and criminally intimidated her. Hence, the complaint.



3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

4. Though the petitioner was granted anticipatory bail by the District Court in Crl.M.P.No.620 of 2023 on 10.02.2023, the petitioner was unable to produce sureties. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

5. 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 No.II, Dindigul, 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 the 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].

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

sd/-

17/04/2023

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

rmk

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To

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

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

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

ORDER

IN

CRL OP(MD) No.7000 of 2023

Date :17/04/2023

RS/BUC/SAR-1 (26.04.2023) 3P 5C