



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

Date : 19.04.2023

PRESENT

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

CRL OP(MD)No.7212 of 2023

G.Velmurugan

... Petitioner / Accused rank not known

Vs

State Represented by
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(Crime No.6 of 2023)

... Respondent / Complainant

For Petitioner : Mr.R.Anand, Advocate

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

For Intervenor : Mr.Joseph Jerry, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.6 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, 465, 468, 470, 471 and 34 IPC in Crime No.6 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and his brother are graduates. In order to get job in Railways, the accused persons 1 to 5 had cheated them to the tune of Rs.30,00,000/-. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is working in Railways and he is the brother of A1. Therefore, on the confession statement of A1, the petitioner has been implicated as an accused. Even according to the defacto complainant, he had paid money to A1 to A4. A1 was arrested and released on bail. Therefore, he seeks for anticipatory bail.



4. The learned counsel for the intervenor submitted that based on the assurance given by A1 to A5, the defacto complainant and his brother gave money to them. Subsequently, the petitioner gave fake appointment order and arranged training centre. Subsequently, they came to the knowledge that all are fake and thereby, all the accused cheated the defacto complainant and his brother. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor appearing submitted that the petitioner joined with A1, prepared fake appointment order and also arranged fake training centre. On the confession statement of A1, he has been implicated as an accused.

6. However, the learned counsel for the petitioner submitted that, he is ready and willing to deposit the amount, which was received by him.

7. According to the case of the prosecution, the petitioner has received a sum of Rs.8 Lakhs. Considering the above 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.8,00,000/- (Rupees Eight Lakhs only) to the credit of Cr.No.6 of 2023 before the Judicial Magistrate No.IV, Thoothukudi District, within a period of three weeks from the date of receipt of a copy of this order, failing which, the petition for anticipatory bail stand dismissed automatically.

8. On such deposit, 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.IV, Thoothukudi, 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 morning at 10.30 am., and evening at 05.30 pm., until further order.

[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/-
19/04/2023

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/05/2023

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

RMK

To

- 1.The Judicial Magistrate No.IV,
Thoothukudi.
- 2.Do through the Chief Judicial Magistrate,
Thoothukudi District.
- 3.The Inspector of Police,
District Crime Branch,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7212 of 2023
Date :19/04/2023

ED/CG/SAR-2 (02/05/2023) 3P 5C