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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.9685 of 2022

Shiek Abdul Kadhar

... Petitioner / Accused No.2

Vs

1.The State Rep.by
The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.
Cr.No.35 of 2021

... 1st Respondent / Complainant

2.Vinothan

... 2nd Respondent /
Defacto Complainant

(R2 suo motu impleaded as per the order of this Court dated 30.08.2022 in Crl.O.P.(MD)No.9685 of 2022)

For Petitioner : Mr.T.Veerakumar, Advocate

For R1 : 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.35 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 Sections 417, 420 IPC in Crime No.35 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the
<https://www.hcma.gov.in/judis> received huge amount from two victims by giving false



promise of getting government job. Thereafter, failed to do so and also refused to return the amount. Hence, the case.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent police.

4. The learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to repay the amount, which he received.

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 pay a sum of Rs. 3,00,000/- (Rupees Three Lakhs only) directly to the victim on or before 10.04.2023, failing which the petition for anticipatory bail shall stand dismissed.

6. On such payment made, 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. I, Ramanathapuram 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].



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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.I,
Ramanathapuram.

2.Do through the Chief Judicial Magistrate,
Ramanathapuram District.

3.The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.VEERAKUMAR T, Advocate (SR-3761[I] dated 09/03/2023)

ORDER

IN

CRL OP(MD) No.9685 of 2022

Date :09/03/2023

ED/SBN/SAR-3 (20/03/2023) 3P 6C