



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/04/2023
PRESENT

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

CRL OP(MD) . No.7587 of 2023

Sundarapandiyan,

... Petitioner/Accused 1

Vs

The State rep.by
The Inspector Police,
Theni DCB,
Theni District.
Crime No.5 of 2023.

... Respondent/Complainant

For Petitioner : M/s.W.Pamelin,
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.5 of 2023 on the file of the respondent Police.

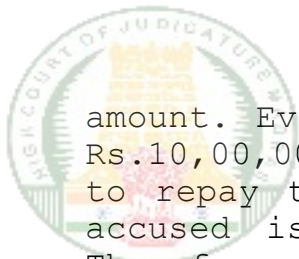
ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420, 120B, 294(b) and 506(1) of I.P.C., in Crime No.5 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with A1 cheated the de-facto complainant in the name of getting Government job and they received a sum of Rs.10,00,000/- from him. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that there two accused involved in this case, in which, the petitioner is arrayed as A1. Based on the confession statement of the second accused, the petitioner has been implicated as an accused. The case of the prosecution is that the second accused received a sum of Rs.10,00,000/- in order to get the job and thereafter, failed to get any job and also refused to return the



amount. Even according to the second accused, he borrowed Rs.10,00,000/- from the de-facto complainant. Thereafter, he failed to repay the same. In order to repay the said amount, the second accused issued a cheque and the same was returned dishonoured. Therefore, he is facing proceedings under Section 138 of N.I Act. Insofar as the petitioner is concerned, he is nothing to do with the alleged transaction between A2 and the de-facto complainant. A2 was already arrested and released on bail by the trial court.

5.Considering the above facts and circumstances, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

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 No.1, Theni, 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 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/-

24/04/2023

/ TRUE COPY /

/05/2023

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



SJI
TO

1 THE JUDICIAL MAGISTRATE NO.I,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR POLICE,
THENI DCB,
THENI DISTRICT.

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

+1. CC to M/S.W.PAMELIN Advocate SR.No.6472

ORDER

IN

CRL OP(MD) No.7587 of 2023
Date :24/04/2023

SA/SSS/SAR.2/04.05.2023/3P/6C