



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.04.2023

WEB COPY

PRESENT

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

CRL OP(MD)No.8098 of 2023

1.Shanthi
2.Karthikeyan

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Cantonment Police Station,
Trichy City, Trichy
(In Crime No.1908/2022)

... Respondent/Complainant

For Petitioners : Mr.S.Rajeshkannan, 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.1908 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 420 & 506(i) IPC in Crime No.1908 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner received a sum of Rs.1,10,000/- and 264.200 grams of gold jewels from the defacto complainant for purchasing a house and thereafter, cheated the defacto complainant. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are ready and willing to withdraw the suit in O.S.No.542 of 2022 on the file of the Principal District Munsif Court, Trichy, which was preferred against the defacto complainant and they also agreed to deposit some reasonable amount to the credit of crime number.



4.Considering the above submission, this court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall withdraw the suit in O.S.No.542 of 2022 on the file of the Principal District Munsif Court, Trichy, after executing sureties, on or before 09.06.2023 and shall deposit Rs.5,00,000/- each to the credit of Cr.No.1908 of 2022 before the Judicial Magistrate Court No.II, Trichy, within a period of two weeks from the date of receipt of a copy of this order, failing which petition for anticipatory bail shall stand dismissed and the respondent police is at liberty to secure the petitioners and proceed in accordance with law.

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.II, Trichy on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

28/04/2023

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/05/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, CANTONMENT POLICE STATION, TRICHY CITY.
TRICHY.

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

+1 CC to M/s.RAJESHKANNAN.S, Advocate (SR-7044[I] dated
28/04/2023)

ORDER

IN

CRL OP(MD) No.8098 of 2023

Date :28/04/2023

RS/VR/SAR-2(17.05.2023) 3P 6C