



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/04/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.8337 of 2023

Srinivasan,

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Nagaercoil,
Kanyakumari District.
Crime No. 40 of 2022.

... Respondent/Complainant

For Petitioner : Mr.R.Karunanidhi,
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.40 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) and 506(1) of I.P.C., in Crime No.40 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was running a Star Gold Sabana Gold and G.M.G company. Further, the petitioner induced the de-facto complainant stated that if he invest money in the said money, he will get better returns. Believing the words of the petitioner, the de-facto complainant invested Rs.7,60,000/- in the petitioner's company. Thereafter, the de-facto complainant asked the petitioner about the trade business, but the petitioner did not respond to the de-facto complainant phone call and requests. When the de-facto complainant asked to return his money, the petitioner threatened the de-facto complainant with dire consequences and abused him in filthy language. Thereafter, the de-facto complainant filed a private complaint before the learned Judicial Magistrate No.I, Nagercoil. Based on the direction issued



by the learned Magistrate, the present complaint has been filed against the petitioner.

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

4. It is seen from the records that the petitioner by giving false assurance that if he invested any amount, it would be paid with more interest. Based on the said honey coated words, the de-facto complainant deposited Rs.6,00,000/- and thereafter, the petitioner cheated him without paying any money.

5. The learned counsel for the petitioner would submit that the petitioner is also one of the victim and he invested a sum of Rs.2,00,000/- in the Star Gold Sabana Gold and G.M.G. Company, for which, the FIR has been registered on the file of the Central Crime Branch, Salem City in Crime No.15 of 2020 for the offences under Sections 420 and 406 of IPC.

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

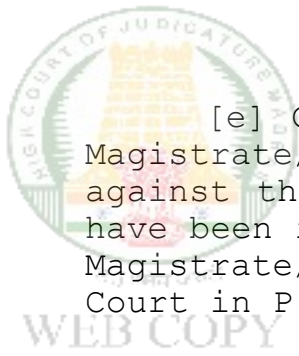
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.I, Nagercoil, Kaniyakumari District, on condition that the petitioner 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/-

28/04/2023

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/05/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE COURT NO.I,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGAERCOIL, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.KARUNANIDHI Advocate SR.No.7005

ORDER

IN

CRL OP(MD) No.8337 of 2023

Date :28/04/2023

SA/BUC/SAR.3/09.05.2023/3P/6C