



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

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PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8743 of 2023

S.Sivakumar,

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
(Crime No.74 of 2023).

... Respondent/Complainant

For Petitioner : L.Rajiah, Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.74/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 406 and 420 of IPC, in Crime No.74 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant invested a sum of Rs.3,50,000/- in the financial company in the name and style of ANTARES, which was introduced by the accused person and thereafter, cheated the amount. Hence the complaint.

3.The learned counsel for the petitioner would submit that the defacto complainant by the instigation of the other investors and of police, falsely implicated the petitioner as an



accused. He further submits that he may be enlarged on anticipatory bail without any conditions by this Court as he is a serving soldier. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Considering the facts and circumstances of the case and also considering the fact that the petitioner is serving in Indian Army and there is no possibility of absconding, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, Madurai District, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties (**of which one shall be a blood related surety**) each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with the 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]**; and;

(f) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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



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1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.L.RAJIAH, Advocate (SR-7670[I] dated 19/05/2023)

ORDER

IN

CRL OP(MD) No.8743 of 2023

Date :18/05/2023

PKP/ /SAR- /24.05.2023/ **3P/6C**