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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2023

PRESENT

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

CRL OP(MD). No.8875 of 2023

Sahaya Muthiah @ Sahayam

... Petitioner/Accused No.2

Vs

State rep. By
The Inspector of Police,
District Crime Branch,
Nagercoil, Kanyakumari District.
(In Crime No.19/2023).

... Respondent/Complainant

For Petitioner : Mr.L.George Paul Anto,
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.19 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

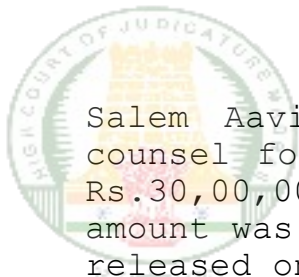
The petitioner/A2, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 406 and 420 of IPC in Crime No.19 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein assured to get Manager post in Pudukkottai Milk Producer Co-operative Union and received a sum of Rs.30,00,000/- and thereafter cheated the victim. Hence, the complaint.

3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that there are four accused in this case and the petitioner herein is arrayed as A2. The petitioner is working as Technician (Plumber) in Coimbatore Aavin Milk Producer Union. On the basis of the materials available on record, the petitioner is now working as Technician (Plumber) in Coimbatore.

<https://www.mca21.gov.in/judis>



Salem Aavin Milk Producer Union. Even according to the counsel for the prosecution, the defacto complainant paid a sum of Rs.30,00,000/- in a tea shop in order to get the job. The entire amount was paid through cash. Further, the co-accused/A4 was already released on anticipatory bail.

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5. Taking into consideration of the facts that the co-accused/A4 was already released on anticipatory bail, 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.I, Nagercoil, Kanyakumari District on condition that the petitioner 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 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 am., 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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

MRN

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TO

1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, NAGERCOIL,
KANNIYAKUMARI DISTRICT.

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

+1 CC to M/s.L.GEORGE PAUL ANTO, Advocate (SR-8589[I] dated
13/06/2023)

ORDER

IN

CRL OP(MD) No.8875 of 2023

Date :12/06/2023

RS/VR/SAR-(19.06.2023) 3P 6C