



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.9074 of 2023

Sureshkumar,

... Petitioner/Accused 1

Vs

The State rep.by
The Inspector of Police,
Mallankinaru Police Staiton,
Mallankinaru, Kariyapatti Taluk,
Virudhunagar District.
(Fir No.94 of 1999).

... Respondent/Complainant

For Petitioner : Mr.R.Murugappan, Advocate

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

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

PRAYER :- To enlarge the Petitioner on Bail in the event of his arrest in connection with C.C.No.38 of 2003, on the file of the Judicial Magistrate Court No.1, Virudhunagar, Virudhunagar District.

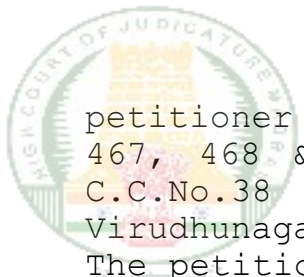
ORDER : The Court made the following order :-

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 467, 468 & 420 of I.P.C., in Crime No.94 of 1999 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that both the petitioner and his wife issued forged LIC bond for a sum of Rs.57,000/- to the resident of the same village and cheated her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. Due to his illness, the petitioner could not able to appear before the trial Court. He is ready to co-operate with the trial.

4. The learned Government Advocate (Cri.Side) appearing for the respondent would submit that the FIR was registered against the



petitioner in Crime No.94 of 1999, for the offences under 467, 468 & 420 of I.P.C., and the same also taken cognizance in C.C.No.38 of 2003 on the file of the Judicial Magistrate No.1, Virudhunagar. The petitioner was not co-operating for the enquiry. The petitioner is an advocate by profession. More than 18 times Non-Bailable Warrants have been issued, however, the petitioner did not appear before the trial Court to proceed with the trial. Hence, he strongly opposed grant of anticipatory bail to the petitioner.

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

6. Considering the facts and circumstances of the case and also considering the oldness of the crime, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.1, Virudhunagar, 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 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 appear before the trial Court on each and every hearing date without fail and co-operate to complete the trial process.

(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.



7. The learned trial Judge is directed to complete the trial within a period of five months from the date of receipt of a copy of this order.

sd/-
18/05/2023

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/05/2023

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

SBN

TO

- 1 THE JUDICIAL MAGISTRATE COURT NO.I,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
MALLANKINARU POLICE STATION,
MALLANKINARU, KARIYAPATTI TALUK,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

- 1 THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

**ORDER
IN**

CRL OP(MD) No.9074 of 2023
Date :18/05/2023

SA/29.05.2023/3P/7C