



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

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

CRL OP(MD) . No.9022 of 2023

Sivakumar

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Jeyamangalam Police Station,
Theni District.
(Crime No.91 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Jeyakumar.B,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 91 of 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 Sections 417 & 420 of IPC, in Crime No.91 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a sole accused and on 07.11.2021 at about 07.30 a.m., on false promise, the petitioner has collected a sum of Rs.1,50,000/-from the defacto complainant for getting a job. But, the petitioner has failed to do so. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has borrowed a sum of Rs.50,000/-from the defacto complainant, but the defacto complainant gave a false complaint that



the petitioner has received a sum of Rs.1,50,000/- on false for getting a job. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that money dispute is pending between the parties.

5.Considering the facts and circumstances of the case and also considering the fact that money dispute is pending between the parties,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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, 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 report before the respondent police ever wednesday at 10.30 am., for a period of eight weeks and thereafter, 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/-
18/05/2023

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

KSA

<https://www.mhc.tn.gov.in/judis>



TO

1. The Judicial Magistrate, Periyakulam.
2. Do through the Chief Judicial Magistrate, Theni.
3. The Inspector of Police,
Jeyamangalam Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.JEYAKUMAR, Advocate (SR-7758[I] dated 22/05/2023)

ORDER
IN
CRL OP(MD) No.9022 of 2023
18.05.2023

NA/BUC/SAR- /23.05.2023/3P/6C