



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.03.2023

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PRESENT

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

CRL OP(MD).No.11468 of 2022

1.A.Prakash
2.Azhagesan
3.Broja @ Puroja

... Petitioners/Accused 1 to 3

Vs.

State represented by
The Inspector of Police,
City Crime Branch,
Tiruchirapalli.
(Crime No.18 of 2022)

... Respondent/Complainant

Ashok ... Intervening Petitioner/De-facto Complainant
in CRL MP(MD).8011/2022 in CRL OP(MD).11468/2022

For Petitioners : Mr.S.K.Mani
Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

For Intervenor : Mr.B.Jameel Arasu, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.18 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 of IPC, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is running a Sai Hospital and Sai Share Trading Company. He approached the de-facto complainant and assured that he will pay double the amount, if he invested in the Share Trading Business. Believing the said words, the defacto complainant invested a sum of Rs.95,00,000/- and thereafter, the first accused refused to return the amount and



cheated the defacto complainant. Hence, the complaint.

3. Heard both sides and perused the materials available on record.

4. Considering the above facts and circumstances of the case and also considering the fact that there is serious allegation as against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this Criminal Original Petition is dismissed in respect of the first petitioner.

5. In so far as the petitioners 2 and 3 / A2 and A3 are concerned, they have not done anything with the alleged transactions and hence, this Court inclined to grant anticipatory bail to the petitioners 2 and 3/A2 and A3 with certain conditions.

6. Accordingly, the petitioners 2 and 3/A2 and A3 are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Tiruchirapalli, on condition that the petitioners 2 and 3/A2 and A3 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners 2 and 3/A2 and A3 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 petitioners 2 and 3/A2 and A3 shall report before the respondent police as and when required for interrogation;

(c) the petitioners 2 and 3/A2 and A3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 and 3/A2 and A3 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 petitioners 2 and 3/A2 and A3 in accordance with law as if the conditions have been imposed and the petitioners 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 petitioners 2 and 3/A2 and A3 thereafter abscond, a <https://www.mca21.gov.in/> can be registered under Section 229-A IPC.



7. Accordingly, this Criminal Original Petition is allowed.

sd/-
10/03/2023

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/03/2023

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

VSD

TO

1 THE JUDICIAL MAGISTRATE NO.I, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, CITY CRIME BRANCH, TRICHY.

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

+1 CC to M/s.S.K.MANI, Advocate (SR-4160[I] dated 14/03/2023)

ORDER

IN

CRL OP(MD) No.11468 of 2022

Date :10/03/2023

RS/MMS/SAR-4(29.03.2023) 3P 6C