



WEB COPY

CRL OP(MD).



23

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.9111 of 2023

1. Helan
2. Santhakumar

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
Crime No.133 of 2023.

... Respondent/Complainant

For Petitioners : Mr.K.Muthuvai Illayaraja, 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.133 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 of I.P.C., in Crime No.133 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that on believing the false promise given by the petitioners, she had totally paid a sum of Rs.7,65,000/- to the petitioners for obtaining a Job as Surveyor to her son. However, neither secured a job nor repaid the amount to the de-facto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them.



4. The learned Government Advocate (Cri.Side) appearing for the respondent would submit that investigation is pending.

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

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petition 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-II, Ramanathapuram, on condition that the petitioners 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 petitioners are directed to pay a sum of **Rs.1,00,000/- (Rupees One Lakh)** to the credit of Crime No.133 of 2023 before the learned Judicial Magistrate Court No-II, Ramanathapuram. On such deposit, complainant is permitted to withdraw on undertaking

[b] 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.

[c] the petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when require for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]**.



CRL OP(MD).



23

[g] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-

18/05/2023

/ TRUE COPY /

/05/2023

WEB COPY

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

sbn

TO

1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.K.MUTHUVAI ILAYARAJA, Advocate (SR-7570[I] dated
18/05/2023)

ORDER

IN

CRL OP(MD) No.9111 of 2023

Date :18/05/2023

RS/CG/SAR-(31.05.2023) 3P 6C