



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.9047 of 2023

Nanthakumar,

...Petitioner/Accused 1

Vs

The State rep.by
The Inspector of Police,
Chinnamanur Police Station,
Theni District,
Theni
(Crime No.1213 of 2021).

...Respondent/Complainant

For Petitioner : M/s.JOEL PAUL ANTONY.A., Advocate

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

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

PRAYER :- For Anticipatory Bail in Crime No.1213 of 2021 on the file of the respondent police

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 420 of I.P.C., in Crime No.1213 of 2021 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 petitioner, he had totally paid a sum of Rs.7,91,207/- to the petitioner on various dates for obtaining a Job in ICICI Bank. However, neither secured a job nor repaid the amount to the de-facto complainant. 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.

4. The learned Government Advocate (Crl.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 petitioner with certain conditions:

7. 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, Uthamapalayam, 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 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 is directed to pay a sum of **Rs.2,00,000/- (Rupees Two Lakhs Only)** to the credit of Crime No.1213 of 2021, on such payment, the de-facto complainant is permitted to withdraw the same.

[b] 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;

[c] the petitioner shall report before the respondent police, twice in a week ie., on every Tuesday and Friday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 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;



[g] 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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/05/2023

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

SBN

TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION,
THENI DISTRICT,
THENI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JOEL PAUL ANTONY.A Advocate SR.No.7625 (I)
Dt.19/05/2023.

ORDER

IN

CRL OP(MD) No.9047 of 2023
Date :18/05/2023

SA/BUC/SAR. /23.05.2023/3P/6C