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CRL OP(MD)



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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.9192 of 2023

1.Prabhakaran

2.Ganesan

3.Varathakkal

... Petitioner/Accused No.1-3

Vs

State represented by
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
Crime No.119 of 2023.

... Respondent/Complainant

For Petitioners : Mr.S.Balamurugan, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.119 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 109, 294(b), 406, 417, 420 and 506(i) IPC in Crime No.119 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons received huge money from the defacto complainant by giving false promise of getting job. Thereafter, failed to get any job and also refused to return the money. Hence, the complaint.



3.The learned counsel for the petitioners submits the petitioners are innocent persons and they have been falsely implicated in this case.

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

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners on condition that the first petitioner shall deposit a sum of Rs.50,000/- to the credit of Cr.No.119 of 2023 before the learned Judicial Magistrate, Arupukottai, within a period of two weeks from the date of receipt of a copy of this order. On such deposit, complainant is permitted to withdraw by filing undertaking affidavit.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Arupukottai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners 1 and 2 shall report before the respondent police once in a week i.e., on every Wednesday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation and the third petitioner shall report before the respondent police as and when required.

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

[d]the petitioners 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 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]**.



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[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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

gns

TO

1.THE JUDICIAL MAGISTRATE, ARUPUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
ARUPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-7782[I] dated 22/05/2023)

ORDER

IN

CRL OP(MD) No.9192 of 2023

Date :18/05/2023

RK/SAR- (24/05/2023) 3P/6C