



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

Date : 01/06/2023

PRESENT

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

CRL OP(MD) . No.9452 of 2023

WEB COPY

1. Bomman
2. Nagalakshmi

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Vanniyampatti Vilakku,
Virudhunagar District.
Crime No.86 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Senguttuarasan.S, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.86 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 of I.P.C., in Crime No. 86 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners received a sum of Rs.4,50,000/- from the de-facto complainant by giving false promise that he would arrange job in abroad and thereafter, he failed to secure the job and refused to return the said amount. Hence, the complaint.

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

4.The learned counsel for the petitioners would submit that the petitioners are coolies and they are working in the company called as Santhiyas International Service and they borrowed a sum of Rs.1,00,000/- from the de-facto complainant and not received any amount for getting job in abroad. He would further submit that the petitioners also undertake that they will return whatever borrowed money from the de-facto complainant within a period of four weeks.



5. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6. Accordingly, the petitioners shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** each to the credit of **Crime No.86 of 2023, before the learned Judicial Magistrate No.2, Srivilliputhur, Virudhunagar District**, without prejudice to their rights and contentions.

7. On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Srivilliputhur, Virudhunagar District, 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 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 first petitioner shall report before the respondent police daily at 10.30 a.m., until further orders; and the second petitioner shall report before the respondent Police as and when required for interrogation;

[c] the petitioners shall not tamper with 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].

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

sd/-

01/06/2023

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/06/2023

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

SJI

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE, VANNIYAMPATTI VILAKKU,
VIRUDHUNAGAR DISTRICT.

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

+1 CC TO MR.P.SENGUTTUARASAN, Advocate, SR-8012[I] dated 05.06.2023

ORDER

IN

CRL OP(MD) No.9452 of 2023

Date :01/06/2023

RS/MMS/SAR-(02.06.2023) 3P 6C