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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/06/2023

PRESENT

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

CRL OP(MD) . No.9835 of 2023

1. Shanmugam

2. Mani @ Muthumanikandan ... Petitioners/Accused Nos.1 & 2

Vs

The State represented by
The Inspector of Police,
Cantonment Police Station,
Trichy City.

Crime No.721/2023..

... Respondent/Complainant

For Petitioners : M/s.Rameshkumar.D,
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.721/2023 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 sections 420 and 294(b) of I.P.C in Crime No. 721 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's maternal uncle and the first petitioner are friends and as per the instructions of the first petitioner the defacto complainant invested huge amount in the chit fund namely Sangam Chit fund at Pudukottai District. later the petitioners along with three accused persons approached the defacto complainant and made a false promise to give a huge amount and based on the said false



promise the defacto complainant invested Rs.5,00,000/-in another chit funds, but the petitioners failed to repay the same. When the same was demanded back the petitioners herein said to have threatened the defacto complainant with dire consequences, hence the case.

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3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the petitioners are working as Manager and Assistant Manager of Sangam Chit funds at Pudukottai District. The defacto complainant subscribed to the chit transactions and subsequently he committed default in payment. Therefore he had requested to return the amount which was already deposited by him, however it was repaid and the petitioners are not responsible for the chit amount received by the Sangam Chit Funds. Taking into consideration all the above the facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

5. 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Trichy 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 petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY.
- 3 THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION, TRICHY CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9835 of 2023
Date :07/06/2023

SS/SSS/12/06/2023/3P/5C