



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

Date : 12/06/2023

PRESENT

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

CRL OP(MD). No.10141 of 2023

Bharath ... Petitioner / Accused No.1

Vs

The Inspector of Police,
District Crime Branch Police Station,
Theni District.

(Crime No.31 of 2022). ... Respondent / Complainant

For Petitioner : Mr.A.Arul Jenifer, 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.31 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 417, 468, 471, 420, 120(B) and 506(i) of IPC in Crime No.31 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, is that the fourth accused introduced the petitioner/A1 to the defacto complainant saying that they would get job for his son and received a sum of Rs.13,00,000/- by bank transaction and thereby, handed over fabricated appointment order and cheated him. When the defacto complainant had gone to the house of the other accused and requested for money, they have abused the defacto complainant and criminally intimidated him. Hence, the complaint.

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



4. It is seen that though earlier application was dismissed by this Court, the learned counsel for the petitioner would submit that the petitioner is ready and willing to deposit substantial amount as directed by this Court to consider his anticipatory bail petition. That apart the co-accused/A2 and A3 were granted anticipatory bail.

5. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

6. 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, Theni, on condition that the petitioner 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 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.

[b] the petitioner shall deposit a sum of **Rs.5,00,000/-** to the credit of **Crime No.31 of 2022** within a period of two weeks, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

[c] the petitioner shall report before the respondent police daily at 10.30 am., and 05.30 p.m., for a period of four 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].



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

sd/-
12/06/2023

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

MRN

To

1.The Judicial Magistrate,
Theni.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
District Crime Branch Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.10141 of 2023
Date :12/06/2023

ED/MMS/SAR- (15/06/2023) 3P 5C