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CRL OP(MD)N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.06.2023

PRESENT

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

CRL OP(MD)No.10015 of 2023

1.Bomman

2.Nagalakshmi

... Petitioners/Accused 1 & 2

Vs

State Rep.by
The Inspector of Police,
Vanniympatti Vilakku Police Station,
Virudhunagar District.
(Cr.No.87 of 2023)

... Respondent/Complainant

For Petitioners : Mr.P.SENGUTTUARASAN, 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.87 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 IPC in Crime No.87 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein were running Santhiyas International Service to send several persons to get job in abroad. They approached the defacto complainant and told that they will get the job at abroad and for that purpose, the defacto complainant paid Rs.1,10,000/-. Thereafter, they failed to get any job and also refused to repay the amount. Hence the case.

3.Heard both sides and perused the materials available in the record.



4.It is seen that the petitioners jointly collected Rs.1,10,000/- from the defacto complainant in order to secure job in abroad. However, the failed to get any job and also refused to repay the amount. Now the petitioners are ready and willing to deposit the amount.

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 petitioners shall jointly deposit a sum of Rs.1,00,000/- to the credit of Cr.No.87 of 2023 before the learned Judicial Magistrate No.2, Srivilliputhur, Virudhunagar District, within a period of two weeks from the date of receipt of a copy of this order, failing which, anticipatory bail granted to the petitioners shall stand cancelled automatically.

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 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 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.

sd/-

09/06/2023

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.2
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
VANNIYMPATTI VILAKKU POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SENGUTTUARASAN P Advocate SR.No.8492 **(I)**
Dt.12/06/2023.

ORDER

IN

CRL OP(MD) No.10015 of 2023
Date :09/06/2023

SA/BUC/SAR. /26.06.2023/3P/6C