



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.10208 of 2023

S.S.Kannan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
E-1, Police Station (Crime),
K.Pudur, Madurai City.
Crime No.113 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Syed Ibrahim H,
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.113 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of I.P.C., in Crime No.113 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is working as Part Time Agent in Dinakaran Kal News Paper and he used to publish the Advertisement for the Dinakaran News Paper, a unit of Kal Publications Pvt Ltd. The petitioner has to be paid the amount of Rs.22,05,888.72/- to the above said News Paper regarding the advertisement published in the news paper. The de-facto complainant has made several demands, after that the petitioner gave four cheques. The first cheque was given by the petitioner was deposited for collection and the same was returned as insufficient funds in the petitioner's account. It was informed to the petitioner, the petitioner was paid a sum of Rs.1,00,000/- to the de-facto complainant and he assured that the remaining amount of



Rs.4,00,000/- will be paid on or before 21.10.2022 and assured that the remaining three cheques are kept along with the de-facto complainant. Hence, the case.

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

4. It is seen that the petitioner issued four cheques. However, those cheques were not disclosed by the de-facto complainant. That apart, on what date, on what transaction, the petitioner has collected amount and failed to deposit the same are not mentioned by the de-facto complainant.

5. Considering the above, 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 Court No.VI, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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].



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

sd/-
14/06/2023

/ TRUE COPY /

/06/2023

WEB COPY

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, E-1, POLICE STATION (CRIME), K.PUDUR, MADURAI CITY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.H.SYED IBRAHIM, Advocate (SR-8672[I] dated 14/06/2023)

ORDER
IN
CRL OP(MD) No.10208 of 2023
Date :14/06/2023

RS/BUC/SAR-(26.06.2023) 3P 6C