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CRL OP(MD). N



23

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

Date : 20/06/2023

PRESENT

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

CRL OP(MD). No.10952 of 2023

Ramar, ... Petitioner/Accused

Vs

The state rep.by
The Inspector of Police,
Amathur Police Station, Amathur,
Virudhunagar District.
Crime No.87 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Selvakumar S,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.Side)

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

PRAYER :-

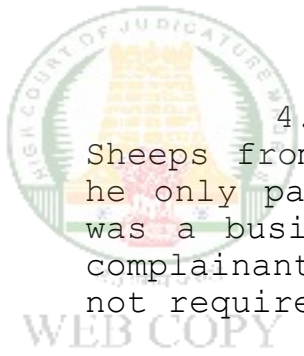
For Anticipatory Bail in Crime No.87 of 202. on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of
the respondent police for the offences punishable under sections 406
and 420 IPC, on the file of the respondent police, seeks
anticipatory bail.

2. The case of the prosecution as per the de-facto
complainant is that the petitioner herein had purchased 120 Sheeps
from the defacto complainant for a sum of Rs.5,60,000/- and he only
paid Rs.1,00,000/- and cheated the remaining amount.

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



4. It is seen that the petitioner herein had purchased Sheep from the defacto complainant for a sum of Rs.5,60,000/- and he only paid Rs.1,00,000/- and failed to repay the amount. There was a business transaction between the petitioner and the defacto complainant and the custodial interrogation of the petitioner does not require.

5. Considering the above 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 No.II, Virudhunagar, 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 FIR can be registered under Section 229A IPC.

sd/-

20/06/2023

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/06/2023

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



1. THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
AMATHUR,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC TO M/S.SELVAKUMAR S ADVOCATE SR.NO.9233.

ORDER
IN
CRL OP(MD) No.10952 of 2023
Date :20/06/2023

SI/SKN/ (28.06.2023) 3P/ 6C