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CRL OP(MD). A



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/06/2023

PRESENT

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

CRL OP(MD). No.11092 of 2023

Elango @ Ilangovan,

... Petitioner/Accused No.3

Vs

State Rep by
The Sub Inspector of Police,
District Crime Branch,
Virudhunagar District.
Crime No.30/2022.

... Respondent/Complainant

For Petitioner : M/s.Jothi Basu.M,
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.30 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 406 and 420 of I.P.C., in Crime No.30 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused received a sum of Rs.16,00,000/- from the defacto complainant, by giving false promise to get a job and thereafter, they failed to secure the job and refused to return the said amount. Hence, the complaint.



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

4. It is seen that there are totally three accused involved in this case and the petitioner is arrayed as A3. A1 and A2 have already been granted bail on condition that they shall deposit some reasonable amount. Insofar as the petitioner is concerned, he has only introduced A1 and A2 to the victim. Even according to the prosecution, the petitioner did not receive any amount.

5. Considering the age of the petitioner, 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. II, Virudhunagar, Virudhunagar District, 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.

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

SJI

TO

1. The Judicial Magistrate Court No.II,
Virudhunagar, Virudhunagar District.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar at Srivilliputhur.
3. The Sub Inspector of Police,
District Crime Branch,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-9336[I] dated
22/06/2023)

ORDER

IN

CRL OP(MD) No.11092 of 2023

Date :21/06/2023

DL/SBN(30.06.2023) / 3P/ 6C