



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30.06.2023
PRESENT

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

CRL OP(MD)No.11645 of 2023

Prema Thangam

... Petitioner/Accused 1

Vs

State represented by
The Inspector of Police,
District Crime Branch,
Kanyakumari District.
In Cr.No.33 of 2023

... Respondent/Complainant

V.Herbert Varghese

... Intervening Petitioner/
De-facto Complainant
In CrI.MP(MD).9469/2023
in CrI.OP(MD).11645/2023

For Petitioner : Mr.P.SENGUTTUARASAN, Advocate

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

For Intervenor : Mr.BALAJI RAJARAM, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.33 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) IPC in Crime No.33 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused received a sum of Rs.89,80,000/- in order to doing business by selling vegetables to other State through their self help group, namely Malligai Malar Kulzhu. Thereafter, they failed



to share the profit and also refused to return the amount in the case.

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

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4. It is seen that the first complaint lodged by the defacto complainant was closed as mistake of fact. Therefore, the defacto complainant approached concerned Magistrate and filed a petition under Section 156(3) Cr.P.C., and on such direction, the present case was registered. That apart, the transaction between the petitioner and the defacto complainant is business in nature and as such, custodial interrogation of the petitioner does not required in this case.

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.1, Nagercoil, Kanyakumari 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

<https://www.mca.gov.in/judis> 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/-
30/06/2023

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/ TRUE COPY /

/07/2023

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 The Inspector of Police,
District Crime Branch,
Kanyakumari District.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.P.SENGUTTUARASAN Advocate SR.No.10150 (I)
Dt.04/07/2023.

ORDER

IN

CRL OP(MD) No.11645 of 2023
Date :30/06/2023

SA/SAR. /11.07.2023/3P/6C