



CRL OP(MD). No.12893 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12893 of 2023

Sanjay @ Sanajaidurai

... Petitioner/ Accused No.4

Vs

The State, represented by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.

(Crime No.234 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.V.KANNAN,
Advocate.

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

For Intervenor : Mr.D.VIJAY,
Advocate.

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

PRAYER :- For Anticipatory Bail in Crime No.234 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 420 IPC, in Crime No.234 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that when the defacto complainant searched for a house for lease, he saw the advertisement posted by the first accused that a house is available for lease. So, the defacto complainant approached him and visited a house. Thereafter, the defacto complainant paid Rs.5,00,000/- to the first accused for the lease deposit and he moved into the said house. On 02.05.2023, the real owner of the said house visited the defacto complainant and asked about why he was living in this house. Thereafter, the defacto complainant came to know that he was cheated by the first accused. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the second accused is aunt of this petitioner and he is no way connected with this case. Because of his employment only, he had been staying with his aunt recently. He has no relation to any transaction of his aunt's family.

4. The learned Government Advocate (Crl. Side) for the respondent Police submitted that the anticipatory bail that was filed by the co-accused was dismissed by this Court in Crl.O.P(MD) No.11506 of 2023.

5. Considering the limited overt act attributed against the petitioner and even though the petitioner is the main cause for the above said issue, since the petitioner is alleged to have only shown the above said house to the defacto complainant and others, this Court is inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Vadipatti, Madurai 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders and on further condition that the petitioner shall also file an undertaking affidavit before the trial Court that he will not indulge in any offence in future. If any case is registered against the petitioner in future, the bail that has been granted in this case, will stand automatically cancelled without reference to this Court. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
09/08/2023

/ TRUE COPY /

/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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INDU
TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.V.KANNAN, Advocate (SR-12078[I] dated 10/08/2023)

ORDER
IN

CRL OP(MD) No.12893 of 2023
Date :09/08/2023

SA/BUC/SAR. /17.08.2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.