



CRL OP(MD). No.13637 of 2023

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

Date : 11/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13637 of 2023

M.Chinnaadaickan

... Petitioner / Accused No.2

Vs

The State, rep by
The Inspector of Police,
District Crime Branch Police Station,
Madurai District.
(Crime No.33 of 2020).

... Respondent / Complainant

For Petitioner : Mr.M.Mohan Gandhi, Advocate.
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.33 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 468, 471, 406 and 420 of I.P.C, in Crime No.33 of 2020 on the file of the respondent Police, seeks



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anticipatory bail.

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2. The case of the prosecution is that the friend of the defacto complainant namely Anbarisan / A3 introduced one Thirumal Alagu/A1 and this petitioner/A2 to the defacto complainant on 03.07.2023. At that time, the accused showed many documents stating that they secured jobs for so many persons. Assured her that they can arrange government job for her son. Believing their words, the defacto complainant gave Rs.2,00,000/- to the first accused. On 20.07.2018, this petitioner assured that her son will get job within ten days. On 02.08.2018, the accused demanded Rs.10,00,000/- for getting job and believing the same, she gave Rs.3,00,000/- on 04.09.2018. After that, she gave Rs.2,00,000/- and Rs.3,00,000/-. Further, on 18.12.2018, she gave Rs.2,00,000/- to the accused. Totally, Rs.12,00,000/- has given by the defacto complainant to the accused for the purpose of getting Government job to her son. Later, the accused avoided her, when she wanted to meet them. Hence, the complaint.

3. This petition has been filed on the ground that the first accused has been granted anticipatory bail by the learned Principal District Judge, Madurai, with condition to deposit Rs.5,00,000/- and this petitioner is ready to deposit Rs.2,00,00/-.

4. The learned Additional Public Prosecutor would submit that totally



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Rs.12,00,000/- is involved in this matter. The accused has involved in creating
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Government Emblem and issued fake appointment orders.

5. The learned counsel for the petitioner would submit that while moving the similar application by the petitioner before the learned Principal District Judge, Madurai, he could not arrange the money. But now, he is undertaking to deposit the amount of Rs.2,00,000/-.

6. Perusal of CD file shows that this petitioner took an undertaking stating that he received Rs.12,00,000/- from the victim. Out of Rs.12,00,000/-, he returned Rs.1,00,000/- to the victim. He undertook to pay the balance amount of Rs.11,00,000/- on or before 30.11.2019. The above said undertaking was executed in a bond paper in the presence of witnesses.

7. The learned counsel for the petitioner would submit that the above said bond was obtained in force by the defacto complainant.

8. The learned Additional Public Prosecutor would submit that no such complaint has been given by the petitioner so far against any of the parties.

9. Out of Rs.12,00,000/- already the petitioner paid Rs.1,00,000/-. In the remaining Rs.11,00,000/-, the first accused was directed to deposit Rs.5,00,000/-. The remaining amount of Rs.6,00,000/- has to be deposited by this petitioner. On that ground, this Court is inclined to grant anticipatory bail to the petitioner.



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10. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of Cr.No.33 of 2020 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

11. On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

12. The petitioner shall appear before the concerned Magistrate within a period of 20 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
11/08/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

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1.The Judicial Magistrate No.I,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Madurai Bench of Madras High Court, Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.M.MOHAN GANDHI, Advocate (SR-12195[I] dated 11/08/2023)

ORDER

IN

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Date :11/08/2023

ED/JGB/SAR- (07/09/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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