



CRL OP(MD). No.13758 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.13758 of 2023

Vivekananth @ Ananth

... Petitioner/ Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Sholavandan Police Station,
Madurai District.
Crime No.161 of 2023..

... Respondent/ Complainant

For Petitioner : M/s.Alagumani R,Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.161 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 and 420 of IPC in Crime No.161 of



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2023 on the file of the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner and the defacto complainant entered into an agreement to construct a house for the defacto complainant to the tune of Rs.25,00,000/-. Without completing the construction work the petitioner has give the key of the house. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. Therefore, he prayed for anticipatory bail to the petitioner.

4.The Government Additional Public Prosecutor appearing for the respondent would submit that investigation in this case pending.

5.Considering the facts and circumstances of the case and also the fact that it is a civil dispute between the parties, 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



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copy made ready, before the learned Judicial Magistrate, Vadipatti 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 appear before the trial Court on summons

[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



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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/-
09/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE JUDICIAL MAGISTRATE, VADIPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
SHOLAVANDAN POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.R.ALAGUMANI, Advocate (SR-14858[I] dated 09/10/2023)

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ORDER
IN

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Date :09/10/2023

RK/JGB (12/10/2023) 5P / 6C

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