



CRL OP(MD). No.15032 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/08/2023

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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R.Navaneethakrishnan

... Petitioner/5th Accused

Vs

The State represented by
The Inspector of Police,
K.Pudur Police Station,
Madurai City,
Crime No. 93/2021.

... Respondent/Complainant

For Petitioner : Mr.S.Alagusundar,
Advocate.

For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.93 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the



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respondent police for the alleged offences punishable under Sections 420, 465, 468 and 471 of IPC in Crime No.93 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, one Vivek entered into a rental agreement with one Rajdeepak in respect of the building situated at Alagarkoil Main Road, Plot No.5, Ward No.8, K.Pudur, Madurai, for running a business of restaurant in the name of Deepak Restaurant. The defacto complainant had received a sum of Rs.5,00,000/- as advance and fixed a sum of Rs.50,000/- a rent per month on 15.09.2017. After that, the said Rajdeepak had paid the rent to the defacto complainant regularly. Thereafter, the said Deepak went to abroad(Norway) for his employment purpose. Thereafter, one Sowdi, who is none other than the father of the said Deepak had managed the above said property and sublet the said property to the petitioner and other persons. Further, the said Sowdi demanded a sum of Rs.80 Lakhs from the defacto complainant to vacate the said building. Hence, the case.

3.This Court by order dated 25.08.2021 has granted anticipatory bail to the petitioner with certain conditions. However, the petitioner has failed to furnish the sureties as per the earlier order,dated 25.08.2021. Therefore, the petitioner has



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filed an application in CrI MP(MD) No.8628 of 2023, seeking for extension of time.

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The said application has been rejected by this Court on 19.06.2023 on the ground that the extension application has been filed after a period of two years from the date of grant of anticipatory bail. Therefore, the petitioner has filed this second application.

4.The learned counsel appearing for the petitioner submits that due to health issues of this petitioner, he could not produce sureties as per the earlier order of this Court.

5.Considering the fact that this Court has already granted anticipatory bail to the petitioner on 25.08.2021 and this is the second application of the petitioner, which is filed due to non-production of sureties, this Court is inclined to allow this petition.

6.Accordingly, this criminal original petition is allowed and 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 of receipt of a copy of this order, before the Judicial Magistrate Court No.VI, Madurai on condition that the



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petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[a](i) the petitioner shall also file an affidavit before the respondent police that he will not involve in any offence in future and the similar affidavit shall also be filed before the concerned Magistrate, at the time of furnishing sureties.

[b]the petitioner shall report before respondent police as and when required.

[c]the petitioner shall not tamper with the 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]**.



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[f]If the accused thereafter abscond, a fresh FIR can be registered under

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Section 229-A IPC.

sd/-
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/10/2023

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

VRN

TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE
K.PUDUR POLICE STATION, MADURAI CITY

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

+1 CC to M/s.S.ALAGUSUNDAR, Advocate (SR-12694[I] dated 23/08/2023)

ORDER
IN

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Date :22/08/2023

SS/MGA/06/10/2023/5P/6C

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