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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2023

PRESENT

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

CRL OP(MD). No.20001 of 2021

Jailani

... Petitioner/Accused
Rank not known

Vs

The State rep.by,
The Inspector of Police,
Kundrakudi Police Station,
Kundrakudi,
Sivagangai District.
Cr.No.136 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Sankara Pandian J,
Advocate.

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

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

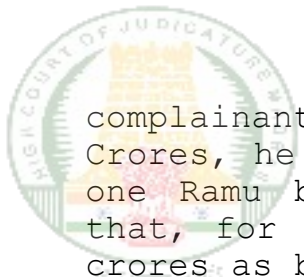
PRAYER :-

For Anticipatory Bail in Crime No.136 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 120(b), 393 and 420 of I.P.C., in Crime No.136 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is running a business under the name and style of Six Sigma Ready Mix Concrete and the same was located in various Districts and his uncle Srinivasan, is the Managing Director of the said company. The said Srinivasan got introduced with one Shanmuga Ananth through one Suriya Kishore, who is a broker and also a known person of the de-facto complainant. The said Shanmuga Ananth informed the de-facto



complainant and his uncle that if they have invested a sum of Rs.10 Crores, he would return the same as Rs.10 Crores through his friend one Ramu by investing in the business and also further informed that, for the said transaction, he has to be paid a sum of Rs.1 ½ crores as brokerage. On believing the same, the de-facto complainant and his uncle had given a sum of Rs.5 Crores to one Roshan and thereafter, the accused persons had cheated them. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.Even according to the case of the prosecution, no amount was received by the petitioner herein. Therefore, the custodial interrogation of the petitioner is not required in this case.

5.Taking into consideration of the facts and circumstances, 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, Karaikudi, Sivagangai 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 Court in *K.Shaji vs. State of Kerala* [(2005)AIR SCW 5560].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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08/03/2023

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

sj i

TO

1. THE JUDICIAL MAGISTRATE, KARAIKUDI, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
KUNDRAKUDI POLICE STATION,
KUNDRAKUDI,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s. SANKARA PANDIAN J, Advocate (SR-3985[I] dated
10/03/2023)

ORDER
IN
CRL OP(MD) No.20001 of 2021
Date : 08/03/2023

RK/MMS/SAR-1 (21/03/2023) 3P/6C