



CRL OP(MD). No.16473 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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Senthamaraikannan

... Petitioner/ Accused Rank not known

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
Crime No.25 of 2021..

... Respondent/ Complainant

For Petitioner : Mr.C.M.Arumugam,
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 Cr.No.25 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, apprehending arrest at the hands of the respondent



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police for the alleged offence punishable under Sections 406 and 420 of IPC, in Crime
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No.25 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the father of the petitioner namely Karuppaiah S/o Govindan collected money on various occasions from five persons including the defacto complainant to the tune of Rs.16,70,000/- by giving false assurance to secure employment in Japan in the year from June 2018 to August 2018. Further the father of the petitioner allegedly received a sum of Rs.1,10,000/- and another sum of Rs.1,60,000/- as first installment. Thereafter on 28.06.2018 a sum of Rs.1,93,000/- and another sum of Rs.2,69,000/- were deposited in the bank account of the father of the petitioners on 13.08.2018. Moreover, on 04.08.2018, based on the instructions of the father of the petitioner, the defacto complainant has given a sum of Rs.4,64,000/- to the petitioner. Instead of arrangement employment in Japan, the father of the petitioner sent them to Cambodia on tourist Visa, when the defacto complainant and four others reached Cambodia they came to understand that some other persons were also cheated by the father of the petitioner. Thereafter, even though he admitted to refund a sum of Rs.15,00,000/- to the victims, till today he did not repay the money. Hence, the case.



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3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The transaction is only with his father. He is no way connected with the occurrence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that investigation in this case is still pending. Hence, he opposed the grant of anticipatory bail to the petitioner.

5. On going through the file, it is seen that this petitioner executed acknowledgement for having received total amount of Rs.4,50,000/-. The first accused in this case has been remanded to judicial custody. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner on condition of payment.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.4,50,000/- (Rupees Four Lakh and Fifty Thousand only) to the credit of Cr.No.25 of 2021 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.



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7. On such deposit being made, petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Ramanathapuram 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. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner 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/-
26/09/2023

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

TM

TO

1. The Judicial Magistrate No.II,
Ramanathapuram District.



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2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.

3. The Inspector of Police,
District Crime Branch,
Ramanathapuram District.

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

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-14505[I] dated 29/09/2023)

ORDER
IN
CRL OP(MD) No.16473 of 2023
Date :26/09/2023

RK/DD (06/10/2023) 5P / 6C

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