



CRL OP(MD). No.17077 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 G.ILANGO VAN

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and

CrI.M.P(MD) No.13932 of 2023

1.Ganapathiraman

2.Karthika

... Petitioners/Petitioners/ Accused Nos.1 and 2

Vs

The State, represented by
The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
Crime No.101 of 2022.

... Respondent/Respondent/Complainant

For Petitioner : Mr.V.Kannan,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Government Advocate (CrI.Side).

For Intervenor : Mr.R.Anand, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.101/2022 on the file of the Respondent police.



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ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2 apprehend arrest at the hands of the respondent police for the offences punishable under sections 420 and 506(i) IPC in Crime No.101 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that he intended to construct a house in his native place. He engaged the accused for the purpose of constructing the house. The accused is running a Company called 'Make Vin Steel Building Solution'. Believing the words of the accused, contract was entered into, by which it was agreed to pay Rs.1,666/- per sq. feet. Total amount was fixed at Rs.60,54,342/-. On various dates, as per the agreement reached between the parties, he paid Rs.30,22,500/-. On 30/04/2021, they stopped the work. When he visited the property, they came to know that only 10% of the work was completed. Even though, the undertaking given by the accused, they did not fulfil their obligation. Later, it came to know that the above said company itself was closed in the month of January 2022, over which, he gave a complaint. But no proper action was taken. On enquiry, he was criminally intimidated. Upon which, a complaint was filed before the Judicial Magistrate,



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Ambasamudiram, in Cr.M.P No.1865 of 2022. In pursuance of the order passed by the Judicial Magistrate, this case has been registered in Crime No.101 of 2022 for the offences under section 420 and 506(i) IPC.

3. The learned counsel for the petitioners submitted that the condition imposed upon the petitioners by the learned Principal Sessions Judge, Ambasamudiram, in Cr.M.P No.9615 of 2023 to pay as sum of Rs.7,00,000/- to the defacto complainant, is complied by the petitioners and voucher is also produced.

4. The defacto complainant is permitted to withdraw the above said amount without prejudice to his rights and contentions before the trial Court by them. If anything goes against the defacto complainant, after full trial or during the course of investigation, the above said amount must be returned to the petitioners by the defacto complainant. For that purpose, the petitioners must produce the Bank sureties before the concerned trial Court for that amount.

5. With the above said directions, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Ambasamudram,



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Tirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent Police daily at 10.30 a.m. until further orders. The petitioners shall comply the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioners 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 will stand dismissed. Consequently, the connected Miscellaneous Petition is allowed.

sd/-
09/10/2023

/ TRUE COPY /

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

INDU

TO

1 THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM, TIRUNELVELI DISTRICT.



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2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
AMABASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.R.ANAND, Advocate (SR-14822[I] dated 09/10/2023)

+1 CC to M/s.V.KANNAN, Advocate (SR-14872[I] dated 09/10/2023)

ORDER
IN

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Date :09/10/2023

SS/DD/SAR- /20/10/2023/5P/7C

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