



CRL OP(MD). No.17656 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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T. Kunaseelan @ Gunaseelan

... Petitioner / Accused No.1

Vs

The Sub Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District,
Crime No. 313/2023.

... Respondent / Complainant

For Petitioner : M/s.Srikanth.S, Advocate.

For Respondent : M/s.M.AASHA,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.313/2023 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



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respondent police for the offences punishable under Section and 420 IPC in Crime

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No.313 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused, who are running the Real Estate Business had received a sum of Rs.2,15,000/- from the defacto complainant as instalments for selling the house and subsequently cheated him. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that only he has to repay a sum of Rs.40,000/- to the defacto complainant and he is ready to pay the same within a month and he seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that part of the amount has been paid by the petitioner and the remaining sum of Rs.40,000/- yet to be paid by them to the defacto complainant and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready and willing to repay the balance amount, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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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, Radhapuram 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 on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner is directed to pay a sum of Rs.40,000/- (Rupees Forty Thousand only) within a period of one month from the date of executing the sureties.

[c] the petitioner shall report before the respondent police on receipt of summons.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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



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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].

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

sd/-
04/10/2023

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

TRP

To

1.The Judicial Magistrate,
Radhapuram.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Sub Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.

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



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ORDER

IN

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Date :04/10/2023

ED/VRS/SAR- (10/10/2023) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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