



CRL OP(MD). No.17851 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17851 of 2023

1. Ravi,

2. Alaguraja,

... Petitioners/ Accused Nos. 1 & 2

Vs

**State Rep.by
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
Crime No. 164 of 2023.**

... Respondent/Complainant

For Petitioner : M/s.Veeralakshmi M, Advocate.

**For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)**

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

PRAYER :-

For Anticipatory Bail in Crime No. 164 of 2023 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 and 506(I) IPC in Crime No.164 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners said to received a sum of Rs.3.50 Crores from the defacto complainant for selling of Iridium and subsequently, they have not given an Iridium nor return back the money and cheated the defato complainant. Hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that there is no specific allegation as against the 2nd petitioner and his name is also not found in the First Information Report and hence, prayed for anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the name of the second petitioner not found in the First Information Report. Subsequent statement given by defacto complainant, contrary to the previous First Information Report the name of the second petitioner has been included. He would further submit that huge amount is involved in this case and that the custodial interrogation



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of the petitioners is necessary and hence, prayed for dismissal of this petition.

5. Considering the facts and circumstances of the case and also considering the fact that there is no incriminating materials as against the 2nd petitioner and that there is no specific statement the 2nd petitioner received the amount from the defacto complainant, this Court is inclined to grant anticipatory bail to the 2nd petitioner alone, subject to the following conditions:

6. Accordingly, the 2nd 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, Nilakkottai, Dindigul District on condition that the 2nd petitioner 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 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 2nd petitioner shall report before the respondent police on receipt of summons.

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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].

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

Considering the serious nature of allegations made against the 1st petitioner, this Criminal Original Petition is dismissed as against the first petitioner.

sd/-
06/10/2023

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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,
NILAKKOTTAI, DINDIGUL DISTRICT.



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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17851 of 2023
Date :06/10/2023

PKP/JGB/SAR- /13.10.2023/ 5P/5C

Madurai Bench of Madras High Court is issuing certified
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