



CRL OP(MD). No.18443 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2023

PRESENT

The Honourable Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.18443 of 2023

K.R.Vijayakumar

... Petitioner/ Accused-2

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch Police Station,
Theni District.
Crime No.34/2023

. ... Respondent/ Complainant

For Petitioner : M/s.Ashok Kumar.D,
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.34/2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/ A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420 and 120(b) IPC in Crime No.34 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and his relative gave money to the first accused, who promised to get job in the judiciary. The allegation against the petitioner/ A2 is that on 09.08.2021, the petitioner along with other accused persons went to the defacto complainant's house and received a sum of Rs.39 lakhs by giving assurance of getting job from the Government.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the petitioner has not visited the defacto complainant's house on 09.08.2021 and on that date, he has appeared before the office of the Director of Adi Dravidar Welfare at Chennai. In this regard, the learned counsel has produced a copy of the letter dated 06.11.2023 issued by the Director, Directorate of Adi Dravidar Welfare, Chennai to the Inspector of Police, District Crime Branch, Theni District. Hence, he prays for anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent police has also verified the same.

5. Heard both sides and perused the materials available on the record.

6. Considering the facts and circumstances of the case and taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994)4 SCC 260 and taking into consideration the origin of crime, it is seen that the alleged offence against the petitioner is not a case of heinous crime. Further, the petitioner is having permanent resident at Villupuram District. Hence, the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.



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7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. 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 No.I, Theni on condition that the petitioner shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar Card or Bank Pass Book to ensure his identity.

[b] the petitioner shall report before the trial Court on summons.

[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



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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.

sd/-
16/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

skn

TO

1.THE JUDICIAL MAGISTRATE NO.I, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI.

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.D.ASHOK KUMAR, Advocate (SR-16473[I] dated 17/11/2023)

ORDER
IN

CRL OP(MD) No.18443 of 2023
Date :16/11/2023

RK/SKN (27/11/2023) 5P / 6C

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