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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22061 of 2022

Saravanan ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Andipatty Police Station,
Theni District.
(Crime No.120/2022).

... Respondent/Complainant

Vidhyasakaran ... Petitioner/Intervener/
Defacto complainant in
CRL MP(MD) No.16116 of 2022

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

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

For Intervenor : M/s.V.Bharkavi, Advocate

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

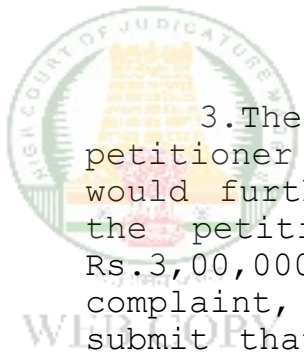
PRAYER :-

For Anticipatory Bail in Crime No.120/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406, 420 and 506(i) of I.P.C., in Crime No.120 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Vidhya Sagarar, is that the accused got introduced him while travelling in a car and he had induced the de-facto complainant that he would get him a job in a private co-operative spinning mill and had received an amount of Rs.7,00,000/- and thereafter, cheated him. Hence, the case.



3.The learned counsel for the petitioner would submit the petitioner is innocent and a false complaint has been given. He would further submit that there existed financial dispute between the petitioner and the de-facto complainant to the tune of Rs.3,00,000/- and based on certain documents, he has given a false complaint, as if, it is a case of job racketing. He would further submit that the petitioner, without prejudice to his defence, had paid a sum of Rs.1,00,000/- by way of cash and had also deposited Rs.2,00,000/- by way of account transfer to the de-facto complainant's account number (UCO Bank, A/c No.31510453950, State Bank of India, Andipatti, IFSC Code: SBIN0002195). He would further submit that the petitioner is ready to furnish adequate sureties for his release on bail.

4.The learned Government Advocate (Cri.Side) appearing for the respondent would submit that the petitioner induced the de-facto complainant on the promise of securing job in Anna Co-operative Mill, had received an amount of Rs.7,00,000/- and thereafter, cheated him. However, he would submit that the de-facto complainant has produced documents to the tune only of Rs.3,00,000/-. He would further submit that the investigation is pending. Hence, he strongly opposed to grant anticipatory bail.

5.The learned counsel appearing for the intervenor would submit that the de-facto complainant has sofar received Rs.3,00,000/- and however, he would object for grant of anticipatory bail.

6.Heard. Perused the materials available on record including the First Information Report.

7.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

8.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, Andipatty, 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 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 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

<https://www.mhc.in.gov.in> the petitioner shall report before the respondent Police,



daily at 10.30 a.m., for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[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 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/-

05/01/2023

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/02/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE,
ANDIPATTI.

2 -DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
ANDIPATTY POLICE STATION,
THENI DISTRICT.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.302(I)

ORDER

IN

CRL OP(MD) No.22061 of 2022

Date :05/01/2023