



CRL OP(MD). No.20249 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.20249 of 2023

Vijaya Kumar

... Petitioner/ Accused No.1

Vs

**State Rep.by
The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
(In Crime No.192/2023)..**

... Respondent/Complainant

For Petitioner : M/s.Siva Kumar P,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.192/2023 on the file of the Respondent Police.



CRL OP(MD). No.20249 of 2023

ORDER : The Court made the following order :-

The petitioner/ A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 468 and 420 IPC in Crime No.192 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as an Investing Manager in HDFC Bank. During regular check up, she found that the petitioner has pleaded a covering jewel with the help of the second accused and cheated the bank to the tune of Rs.20,000/-. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent police would submit that the petitioner has cheated the defacto complainant's bank to the tune of Rs.20,000/- by pleading covering jewels. Hence, he has strongly opposed to grant anticipatory bail to the petitioner.

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 Kamlendra

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CRL OP(MD). No.20249 of 2023

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.

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.II, Sattur 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 shall deposit a sum of Rs.20,000/- in crime No.192 of 2023 before the Judicial Magistrate No.II, Sattur. On such deposit, the defacto complainant is permitted to withdraw the said amount without notice to the petitioner.

[b] 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.



CRL OP(MD). No.20249 of 2023

[c] the petitioner shall report before the trial Court on 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 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/-
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.II
SATTUR.

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CRL OP(MD). No.20249 of 2023

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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.20249 of 2023

Date :16/11/2023

PKP/DD/SAR- /27.11.2023/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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