



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD). No.22915 of 2022

WEB COPY

Pradeep Kumar Daniel,

... Petitioner/Accused

Vs

State Rep by
The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
Crime No.269 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Raamakrishnan Ka,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

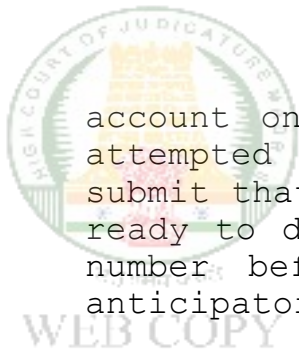
For Anticipatory Bail in Crime No.269 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of
the respondent police for the offence punishable under Section 420
of IPC in Crime No.269 of 2022 on the file of the respondent police,
seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto*
complainant is that the accused in the guise of running a Trust had
informed the defacto complainant that he has an order for conducting
eye camp and taken a sum of Rs.6,00,000/- from the defacto
complainant and had cheated him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that
the petitioner is innocent and a false case has been foisted
against him. He would further submit that there exists several
financial transaction between the petitioner and the defacto
complainant and there are also exchange of notices between them.
He would further submit that the case of financial dispute has been
exaggerated and a false complainant has been given. He would
further submit that the petitioner had sold his car to the defacto
complainant and the amount of Rs.6 lakhs was transferred to his



account only towards consideration of his car which has been attempted to be projected as a case of cheating. He would further submit that the petitioner without prejudice to show his *bonafide* is ready to deposit a sum of Rs.2,00,000/- to the credit of crime number before the concerned Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that though there exists financial dispute between the defacto complainant and the petitioner as far as the allegation is concerned the petitioner had induced the defacto complainant on the strength of a fabricated letter stating that he is going to conduct eye camp and received a sum of Rs.6,00,000/- and cheated the defacto complainant

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

6. Taking into consideration the facts and circumstances of the case and also the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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.III, Thoothukudi**, 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.

[b] At the time of furnishing sureties the petitioner without prejudice to his rights shall deposit a sum of Rs.2,00,000/- to the credit of Crime number 269 of 2022 before the concerned Court and only thereafter the learned Magistrate shall accept the sureties. However, it is made clear the deposit of amount by the petitioner will not amount to admission of guilt.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.



[c] the petitioner shall not tamper with evidence or 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/-
02/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. The Judicial Magistrate No.III, Thoothukudi,
2. Do Through The Chief Judicial Magistrate,
Thoothukudi.
3. The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.RAAMAKRISHNAN KA, Advocate (SR-62[I] dated
03/01/2023)

ORDER
IN
CRL OP(MD) No.22915 of 2022
Date : 02/01/2023

TR/BUC/SAR I/09.01.2023/3P/6C

<https://www.mhc.tn.gov.in/judis>