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CRL OP(MD). N



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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.22958 of 2022

1. Senthil Kumar

2. Masilamani

... Petitioners No.1&2/
Accused No.1&2

Vs

The State rep.by,
The Inspector of Police,
Dhalavaipuram Police Station,
Dhalavaipuram,
Virudhunagar District
(Crime No.202 of 2022).

... Respondent/
Defacto Complainant

For Petitioners : M/s. Ajmalkhan.S.A,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

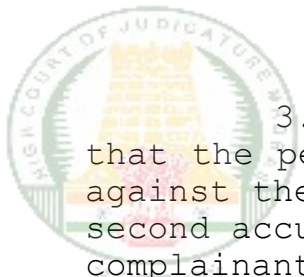
For Anticipatory Bail in Crime No.202 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 and A2 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 170,406,420 and 506(ii) of IPC in Crime No.202 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that on the false assurance of obtaining job in the railway the petitioners herein had obtained a sum of Rs.1,00,000/- from the defacto complainant and cheated him by not securing job. Hence, the complaint.

<https://www.mca.gov.in>



3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that the fact remains that the second accused has received a sum of Rs.1,00,000/- from the defacto complainant during the year 2018 and there was also exchange of notice between them and thereafter the defacto complainant has also given a false complaint before the respondent police and they have enquired into the complaint and closed. Subsequently based on direction given by the Court the case has been registered. He would further submit that a case of civil transaction has been projected as a case of cheating. He would further submit that the petitioners without prejudice to show their *bonafide* are ready to deposit a sum of Rs.50,000/- to the credit of crime number before the concerned Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent would submit that the petitioners along with other accused on the guise of getting job in the railway has received a sum of Rs.1,00,000/- 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 petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Rajapalayam**, on condition that the petitioners 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 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 petitioners 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 petitioners without prejudice to their rights shall deposit a sum of Rs.50,000/- to the credit of Crime number 202 of 2022 before the concerned Court and only thereafter only the learned Magistrate shall accept the



sureties. However, it is made clear the deposit of amount by the petitioners will not amount to admission of guilt.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter on every day at 10.30 am., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

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

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TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
DHALAVAIPURAM POLICE STATION,
DHALAVAIPURAM, VIRUDHUNAGAR DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.AJMALKHAN.S.A, Advocate (SR-39[I] dated 03/01/2023)

ORDER IN

CRL OP(MD) No.22958 of 2022

Date :02/01/2023