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CRL OP(MD). N



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

Date : 25/01/2023

PRESENT

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

CRL OP(MD) . No.23289 of 2022

Balu

... Petitioner/Accused No.1

Vs

The Inspector of Police,
District Crime Branch, Karur,
Karur District.
Cr.No.33/2022.

... Respondent/Complainant

For Petitioner : M/s. Sivabalan.K, Advocate

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

For Intervenor : Mr.K.Arunraj

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

PRAYER :-

C-24AB. For Anticipatory Bail in Crime No. 33/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(b), 406, 420 I.P.C, in Crime No.33 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Velliyangiri is that the accused persons had conspired together and induced the defacto complainant that they would able to secure jobs for his son and daughter-in-law and thereby, received amount to the tune of Rs.18,85,000/-. Later, without repaying the same, they cheated him. Hence, the complaint.

<https://www.mhlgov.in/judis>



3.The learned counsel for the petitioner submitted that he is innocent and he has been falsely implicated in this case. The defacto complainant and other accused persons met in his house, other than that the petitioner has no role to play in the alleged occurrence. Even as per the complaint, the alleged amounts have been transferred to the account of one Kalayana Sundaram, not to the petitioner. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner is a member in a gang, who have conspired together and induced the defacto complainant that they would able to secure jobs for his son and daughter-in-law and received a sum of Rs.18,85,000/- from him. In this case, investigation is pending and the other accused are still absconding. Hence, he would raise his objection to allow this petition.

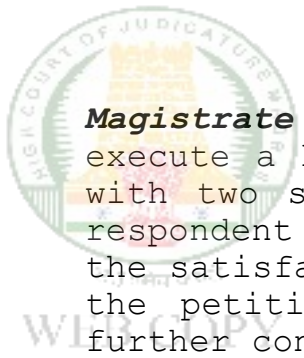
5.The learned counsel for the intervenor would submit that the petitioner is the person, who has introduced the other accused persons to the defacto complainant and only on the instruction of the petitioner, he had transferred amounts to other accused persons. Hence, prays to dismiss the petition.

6.In reply, the learned counsel for the petitioner submitted that a case has been registered based on the direction given by the learned Magistrate, under Section 156(3) of Cr.P.C and even as per the complaint, there is no allegation that the alleged amounts have been handed over to the petitioner. However, without prejudice to his rights and contentions, he is ready and willing to deposit title deeds worth about Rs.10 lakhs to the credit of Crime Number.

7.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

8.Taking into consideration the facts and circumstances of the case and considering the readiness and willingness of the petitioner to deposit title deeds worth about Rs.10 lakhs, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9.Accordingly, this Criminal Original Petition is allowed and the petitioner shall deposit the original title deeds of immovable property to the value of Rs.10,00,000/- (Rupees Ten Lakhs only) either belonging to himself or friends or relatives, without prejudice to his rights and contentions, before the trial Court to the credit of Crime No.33 of 2022, on such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial**



Magistrate No.I, Karur, on condition that the petitioner 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] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the 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]**; and;

[f] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/01/2023

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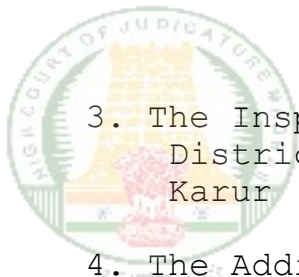
/02/2023

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

PNM

TO

1. The Judicial Magistrate No.I,
Karur
2. Do-Through The Chief Judicial Magistrate,
Karur District.



3. The Inspector of Police,
District Crime Branch, Karur,
Karur District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S. SIVABALAN.K Advocate SR.No. 1237

+1. CC to M/S. ARUNRAJ.K Advocate SR.No. 1211

ORDER

IN

CRL OP(MD) No.23289 of 2022

Date :25/01/2023

ED/SAR-III(07.02.2023) 4P 7C