



CRL OP(MD). No.21394 of 2023

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

Date : 06/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM
CRL OP(MD). No.21394 of 2023

Sujai Ramalingam

... Petitioner / Accused No.5

Vs

The Inspector of Police,
District Crime Branch,
Theni, Theni District.
(Crime No.6/2023.)

... Respondent / Complainant

For Petitioner : M/s.Ramasamy.S, Advocate.
For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)
For Intervenor : Mr.M.A.M.Raja, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 6/2023 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 offences punishable under Sections 417, 420 and 120(B) IPC in Crime No.6 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein has received a sum



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of Rs.5,00,000/- from the defacto complainant stating that he will give share to him from the petrol bunk, which was running by him. Hence, the complaint.

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3.The learned counsel appearing for the petitioner would submit that the petitioner has already transferred a sum of Rs.4,00,000/- to the defacto complainant's brother's account and he is ready to repay the balance amount of Rs.1,00,000/- to the petitioner and seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner is not running petrol bunk and he has cheated the petitioner by receiving a sum of Rs.5,00,000/- stating that he will give share to the defacto complainant and hence, strongly opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervenor has no objection to receive the said sum of Rs.1,00,000/-

6.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 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 offence alleged as against the petitioner is not a case of heinous crime.



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Further the petitioner is having permanent resident at Theni District and he is ready to deposit the amount received by him. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not to be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

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, Theni on condition that the petitioner shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 has to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of crime No.6 of 2023 and on such deposit, the Court is directed to



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give that amount to the defacto complainant without notice to the accused /
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petitioner herein.

[b] the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

[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/-
06/12/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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To
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1.The Judicial Magistrate,
Theni.

2.Do through the Chief Judicial Magistrate,
Theni District.

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

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

+1CC to M/s.S.RAMASAMY, Advocate, SR No.17350(I), dated 06/12/2023

ORDER
IN

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Date :06/12/2023

ED/JGB /SAR- (15/12/2023) 5P / 6 C

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