



CRL OP(MD)No.22360 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.12.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.22360 of 2023

M.Patel Sedhabhai @ Shantabai Mahabai Patel

... Petitioner/ Accused Rank no.3

Vs

The Inspector of Police,
District Crime Branch Police Station,
Dinidigul, Dindigul District.
(Crime No.19 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.D.Rajaboopathy, Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate(Crl.side)

For Intervenor : Mr.J.Lawrance, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.19 of 2022 on the file of the Respondent Police.



CRL OP(MD)No.22360 of 2023

ORDER : The Court made the following order :-

WEB COPY

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 406 & 420 IPC in Crime No.19 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused purchased cotton fabric and cloths worth about Rs.3,46,18,033/- from the defacto complainant and thereafter, failed to pay the amount and cheated the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the matter was settled between the parties and the co-accused in this case filed a quash petition in CrI.O.P.(MD)No.769 of 2023 and FIR in Cr.No.19 of 2022 was quashed in respect of other co-accused. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent

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



CRL OP(MD)No.22360 of 2023

police would submit that the case was settled between the parties and in respect of other co-accused, FIR in Cr.No.19 of 2022 was quashed.

5.On perusal of records, it is noticed that the matter was settled between the parties and the petitioner also ready to compromised the matter with the defacto complainant. It is also noticed that as far as the co-accused is concerned, FIR in Cr.No.19 of 2022 was quashed by this Court.

6.Considering the above facts, 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.II, Dindigul, Dindigul District 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:



CRL OP(MD)No.22360 of 2023

WEB COPY

[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 trial Court on summons.

[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].



CRL OP(MD)No.22360 of 2023

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

sd/-
12/12/2023

/ TRUE COPY /

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

gns

TO

1.THE JUDICIAL MAGISTRATE NO.II, DINDIGUL, DINDIGUL DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-17645[I] dated 12/12/2023)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-17655[I] dated 13/12/2023)

ORDER
IN

CRL OP(MD) No.22360 of 2023
Date :12/12/2023

RK/JGB (22/12/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023