



CRL OP(MD) No.518 of 2024

WEB COPY

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

Monday, the Twenty Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.518 of 2024

MURUGESAN

... PETITIONER/ ACCUSED 1

Vs

THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
MADURAI CITY,
MADURAI DISTRICT.
CRIME NO.10/2023.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.GANDHI, Senior Counsel
for M/S.RAMSUNDARVIJAYRAJ.S Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

For Intervenor : Mr.PALMURUGAN, Advocate

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.10/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 406, 420 and 34 of IPC in Crime No.10 of



CRL OP(MD) No.518 of 2024

2023, on the file of the respondent police, seeks anticipatory bail.

WEB COPY

2.The case of the prosecution is that the petitioner and his son induced the defacto complainant as if they would execute a lease deed for the purpose of establishment of firecracker shop and received a sum of Rs.30,00,000/-. Thereafter, they did not execute the lease deed and did not repay the said amount. Hence the case.

3.The learned senior counsel appearing for the petitioner submitted that the petitioner did not receive any amount from the defacto complainant. There was a money dispute in between them. For the very same allegation, the defacto complainant already made a complaint in the year 2022. Thereafter, the petitioner's son obtained an anticipatory bail. Again for the very same allegation, the defacto complainant made another complaint in the year 2023 before the respondent police, which is not sustainable. However, the learned senior counsel for the petitioner, on instruction, submitted that the petitioner is ready to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) before the trial Court, without prejudice to his rights and contentions and the trial Court may disburse the said amount in favour of the defacto complainant after obtaining an undertaking affidavit from him that if the petitioner succeeds in the criminal case, liberty may be given to the petitioner for refund of the said amount. Hence, he prays for grant of anticipatory bail to the petitioner.



CRL OP(MD) No.518 of 2024

WEB COPY

4. The learned Government Advocate(crl.side) appearing for the State strongly opposed this petition on the ground that investigation is pending.

5. The learned counsel appearing for the defacto complainant submitted that if the said amount is not deposited as agreed by the petitioner, this Court may cancel the anticipatory bail automatically.

6. Considering the facts and circumstances of the case and also considering the fair submission made by the learned Senior Counsel appearing for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is ordered and 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



CRL OP(MD) No.518 of 2024

WEB COPY

(b) The petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten lakhs only) to the credit of the Crime No.10 of 2023 before the learned Judicial Magistrate No.I, Madurai, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his rights and contentions and the trial Court may disburse the said amount in favour of the defacto complainant after obtaining undertaking affidavit from him that if the petitioner succeeds in the criminal case, he is entitle for refund of the said amount;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police as and when required for interrogation;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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



CRL OP(MD) No.518 of 2024

in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

WEB COPY

(h)if the accused thereafter abscond, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
22/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CP
TO
1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
MADURAI CITY,
MADURAI DISTRICT.

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

+1 CC to M/s.K.PALMURUGAN, Advocate (SR-887[I] dated 22/01/2024)

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-875[I] dated 22/01/2024)



WEB COPY



CRL OP(MD) No.518 of 2024

ORDER
IN
CRL OP(MD) No.518 of 2024
Date :22/01/2024

SA/JGB/SAR. /23.01.2024/6P/7C

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