



CRL OP(MD) No.429 of 2024

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

Friday, the Twelfth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.429 of 2024

R.GNANASEKARAN

... Petitioner / Accused No.3

Vs

THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT,
(CRIME NO.374/2023)

... Respondent / Complainant

For Petitioner : M/s.W.Pamelin, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.374/2023 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 468 IPC in Crime No.374 of 2023, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner and other accused received a sum of Rs.5,00,000/- from the defacto complainant for arranging a job. Thereafter, they failed to secure the job and also refused to return the amount. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, he would further submit that the petitioner, without prejudice to his rights, is ready to pay a sum of Rs.One Lakh directly to the defacto complainant by way of demand draft. Hence, he prayed anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation of this case is at preliminary stage.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready and willing to pay a sum of Rs.1,00,000/- directly to the defacto complainant by way of demand draft, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Usilambatti on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



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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;

(b)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;

(c)the petitioner is directed to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) directly to the defacto complainant by way of Demand Draft and file a proof for the same, while furnishing the surety before the concerned Magistrate;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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



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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;

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

sd/-
12/01/2024

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

GNS

To

1.The Judicial Magistrate No.1,
Usilambatti.

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

3.The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.

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



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ORDER

IN

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Date :12/01/2024

ED/ JGB /SAR- (24/01/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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