



CRL OP(MD) No.594 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.594 of 2024

PALANICHAMY

... PETITIONER / SOLE ACCUSED

Vs

**THE INSPECTOR OF POLICE
VANNIYAMPATTI VILAKU POLICE STATION,
SRIVILLIPUTTUR,
VIRUDHUNAGAR DISTRICT.
CR.NO.213/2023**

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.MUNIYANDI.S, Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CR.NO.213/2023 ON THE FILE OF THE
RESPONDENT POLICE.**

ORDER : The Court Made the following order :-

**The petitioner/Sole Accused, who apprehends arrest at the hands of the
respondent police for the alleged offence under Sections 406, 417, 420, 294(b) and 506**

(i) of IPC in Crime No.213 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner received a sum of Rs.9,67,000/- from the defacto complainant by giving a false promise that he will get a job. After receiving the amount, the petitioner neither secured the job nor repaid the amount. Hence, a complaint was made by the defacto complainant before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. However, the petitioner is ready and willing to pay a sum of Rs.5,00,000/- by way of Demand Draft to the defacto complainant without prejudice to his rights and prayed for granting anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitiioenr received a sum of Rs.9,67,000/- from the defacto complainant by giving a false promise that he will get a job. However, the petitioner is come forward to deposit a sum of Rs.5,00,000/-, this Court may consider the anticipatory bail application of the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioner has come forward to deposit a sum of Rs.500,000/- (Rupees Five lakhs Only) without prejudice to his rights and contentions to show his bona fides, this Court is inclined to grant anticipatory bail to the petitioner.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputtur, 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) (i) the petitioner shall take a Demand Draft in favour of the defacto complainant for a sum of Rs.5,00,000/- (Rupees Five lakhs Only) and produce the same before the learned Judicial Magistrate No.II, Srivilliputtur. On production of such Demand Draft, the learned Judicial Magistrate No.II, Srivilliputtur, shall accept the sureties furnished by the petitioner and entrust the said Demand Draft directly to the defacto complainant.

(ii) the petitioner shall produce the Demand Draft before the execution of the sureties, failing which this order shall stand automatically cancelled.

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

(c) the sureties shall affix his photographs and left thumb impression in the

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surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(d) the petitioner shall report before the respondent police daily at 10.30 p.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 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.



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TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
VANNIYAMPATTI VILAKU POLICE STATION,
SRIVILLIPUTTUR, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.594 of 2024

Date :12/01/2024

PKP/JGB/SAR /24.01.2024/ 5P/5C

Madurai Bench of Madras High Court is issuing certified
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