



CRL OP(MD) No.589 of 2024

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

Thursday, the Eleventh day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.589 of 2024

S.SATHIK BASHA

... PETITIONER/ ACCUSED NO.3

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
THANJAVUR
CRIME NO.23/2023

... RESPONDENT/COMPLAINANT

For Petitioner : MR.D.S.HAROON RASHEED 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 CRIME NO.23/2023 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 120B, 406, 420 IPC in Crime



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No.23 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that the accused persons received a sum of Rs.90,000/- from the defacto complainant for arranging job. Thereafter, they failed to secure any job and also refused to return the amount. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that there is no money transaction between the petitioner and the defacto complainant and the petitioner herein is the employee of Airtel Network and he only sold simcard to A1 and A2 and there is no other allegations as against the petitioner herein. Hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that A1 and A2 received totally a sum of Rs.60,00,000/- from various victims in the guise of securing a job and thereafter, they failed to secure the job.

5.Considering the facts and circumstances of the case and also considering the

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fact that there is no money transaction between the petitioner and the defacto complainant and the entire amount was received by A1 and A2, 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.II, Tanjavur, 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;

(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;



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

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

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

(f)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;

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

sd/-
11/01/2024

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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.II, TANJAVUR,

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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
THANJAVUR

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

ORDER
IN
CRL OP(MD) No.589 of 2024
Date :11/01/2024

RK/VR (24/01/2024) 5P / 5C

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