



CRL OP(MD) No.738 of 2024

WEB COPY

**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.738 of 2024

DAVID CHARLES

... PETITIONER / 1st ACCUSED

Vs

**THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR AND DISTRICT.
(CRIME NO.27 OF 2023)**

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.SENGUTTUARASAN.P 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. 27 OF 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
<https://www.mhc.tn.gov.in/judis>



CRL OP(MD) No.738 of 2024

police for the alleged offence under Sections 120(b), 406 and 420 of IPC in Crime No.27 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the other accused received a sum of Rs.10,00,000/- from the defacto complainant by giving a false promise that if he is invested the amount in 'GCG Trading Company', he will get a profit of Rs.1 lakh per month. On believing his words, the defacto complainant given the said amount to the petitioner. Thereafter, the petitioner has not given any profit to him. When he demanded his money, he again gave a false promise that he will secure a job in the government Department. But, 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. He further submitted that this is the second anticipatory bail petitioner. Earlier petition filed by the petitioner in Crl.OP(MD)No.20734 of 2023 was dismissed by this Court on 17.11.2023. However, the petitioner is ready and willing to pay a sum of Rs.3,50,000/- by way of Demand Draft to the defacto complainant without prejudice to his rights and prayed



CRL OP(MD) No.738 of 2024

for granting anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner received a sum of Rs.10,00,000/- from the defacto complainant by giving a false promises that if he is invested the amount in 'GCG Trading Company', he will get a profit of Rs.1 lakh per month and cheated the amount of Rs.10,00,000/- from the defacto complainant. However, the petitioner is come forward to deposit a sum of Rs.3,50,000/-, this Court may consider the anticipatory bail application of the petitioner.

6.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.3,50,000/- (Rupees Three lakhs and Fifty Thousan Only) without prejudice to his rights and contentions to show his bona fides, this Court is inclined to grant anticipatory bail to the petitioner.

7.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.I, Karur, on condition

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



CRL OP(MD) No.738 of 2024

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.3,50,000/- (Rupees Three lakhs and Fifty Thousand Only) and produce the same before the learned Judicial Magistrate No.I, Karur. On production of such Demand Draft, the learned Judicial Magistrate No.I, Karur, shall accept the sureties furnished by the petitioner and entrust the said Demand Draft directly to the defacto complainant.

(iii) 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 surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank

pass Book to ensure his identity;

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



CRL OP(MD) No.738 of 2024

WEB COPY

(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

/ TRUE COPY /

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

DSS
TO
1 THE JUDICIAL MAGISTRATE NO.I
KARUR.

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



CRL OP(MD) No.738 of 2024

- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR AND DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.SENGUTTUARASAN, Advocate (SR-780[I] dated 18/01/2024)

ORDER
IN
CRL OP(MD) No.738 of 2024
Date :12/01/2024

PKP/DD/SAR /22.01.2024/ 6P/ 6C

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