



CRL OP(MD) No.881 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.881 of 2024

THANGAVEL

... PETITIONER / ACCUSED NO.2

Vs

**THE INSPECTOR OF POLICE
FORT POLICE STATION,
TRICHY CITY.
CR.NO.2228/2023**

... RESPONDENT / COMPLAINANT

**For Petitioner : MR.N.BALASUBRAMANIAN, Advocate for
MR.SUNDHAR.T, 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.2228/2023 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 Section 420 IPC in Crime No.2228 of**



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2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused received a sum of Rs.15,00,000/- from the defacto complainant for securing government job for her daughter and thereafter, they failed to secure any 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. He would further submit that even as per FIR, the petitioner received a sum of Rs.1,00,000/- and a sum of Rs.5,00,000/- was paid to A1. Total amount of Rs.15,00,000/- was fixed by A1. He would also submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.1,00,000/- to the credit of crime number and on such deposit, the learned Magistrate shall disburse the same to the defacto complainant after obtaining a proper affidavit. In the event of petitioner succeeding in the present case, the amount will be refunded to him. 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 the investigation in this case is in preliminary stage.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready and willing to deposit a sum of Rs.1,00,000/- to the



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credit of crime number, 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, Tiruchirappalli 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 petitioner shall deposit a sum of Rs.1,00,000/- to the credit of Cr.No.2228 of 2023 before the learned Judicial Magistrate No.I, Tiruchirappalli and on such deposit, the learned Magistrate shall disburse the same to the defacto complainant after obtaining a proper affidavit from them. In the event of petitioner succeeding in the case, the amount will be refunded to him.

(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



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pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required;

(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/-
19/01/2024

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/02/2024
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.I
TRICHIRAPPALLI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
FORT POLICE STATION, TRICHY CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.SUNDHAR, Advocate (SR-835[I] dated 19/01/2024)

ORDER
IN
CRL OP(MD) No.881 of 2024
Date :19/01/2024

PKP/VR/SAR /02.02.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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