



CRL OP(MD) No.1109 of 2024

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

Wednesday, the Twenty Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1109 of 2024

PACKIALAKSHMI

... PETITIONER / ACCUSED No.1

Vs

THE INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CRIME NO.275/2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.VADIVEL.A 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.275/2023 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for



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the alleged offence under Sections 120(b), 406, 420 and 506(i) IPC, in Crime No.275 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the accused 1 and 2 induced the defacto complainant to pay the amount to accused No.3 enabling him to get a job in the Government Department, however, the accused persons neither provided the government job nor returned the amount to the defacto complainant. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that even in the FIR, it has been stated that the petitioner induced the defacto complainant to pay the amount to accused No.3, however, there is no transaction between the petitioner and the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the defacto complainant would submit that at the instigation of A1 and A2, the entire amount was deposited to the account of A3.



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5. The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that the investigation is not yet completed.

6. Though the defacto complainant claims that at the instigation of A1 and A2, he has paid the entire amount to A3 to get a job in the Government Department, the petitioner has not received any amount from the defacto complainant and there is no proof available with regard to the transaction between the petitioner and the defacto complainant. Considering the facts and circumstances of the case and also considering that the co-accused already granted anticipatory bail by this Court in Crl.O.P(MD) No.108 of 2024, I am inclined to grant anticipatory bail to the petitioner. Since A3 received the total amount through Bank transaction from the defacto complainant and he is the main accused, this order is not applicable to him.

7. Accordingly, the petitioner is granted anticipatory bail and he 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, Virudhunagar, 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

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likesum 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 shall report before the respondent police as and when required for interrogation;

(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;

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

sd/-
24/01/2024

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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,VIRUDHUNAGAR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,VIRUDHUNAGAR DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.VADIVEL, Advocate (SR-1011[I] dated 24/01/2024)

ORDER
IN
CRL OP(MD) No.1109 of 2024
Date :24/01/2024

PKP/GS/SAR /01.02.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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