



CRL OP(MD) No.1728 of 2024

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

Wednesday, the Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1728 of 2024

ANANTHAN @ ANANTAN

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.201 OF 2022.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.PANDIAN, Advocate

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

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.201 OF 2022 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 offences punishable under Sections 420, 467, 468, 469, 471 &
506(i) IPC in Crime No.201 of 2022 on the file of the respondent police, seeks
anticipatory bail.



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2.The case of the prosecution is that the petitioner received Rs.3,70,000/- from the defacto complainant for securing the Government Job and thereafter, he neither secured the job nor repaid the amount. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not involve in such offence as alleged by the prosecution. Further, on 24.01.2024, the petitioner paid Rs.1,60,000/- out of Rs.3,70,000/-. However, on instruction, he would submit that the petitioner is ready to deposit the balance amount of Rs.2,10,000/- to the defacto complainant, without prejudice his right and contention before the trial Court.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioner is a habitual offender and is having six previous cases, which are similar in nature. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner has paid Rs,1,60,000/- out of Rs.3,70,000/- and is ready to pay the balance amount to the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6. 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 four



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weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kumbakonam, 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 four weeks 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.2,10,000/- (Rupees Two Lakhs and Ten Thousand only) to the credit of Crime No.201 of 2022, before the learned Judicial Magistrate No.I, Kumbakonam, without prejudice to his rights and contentions, within a period of four weeks from the date of receipt of a copy of this order and thereafter, the sureties shall be accepted by the concerned trial Court. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeed in the trial, the petitioner is entitled for refund of the said amount;

(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;

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(d)the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, he shall appear before the respondent Police 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/-

07/02/2024

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



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TO

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1 THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER
IN

CRL OP(MD) No.1728 of 2024

Date :07/02/2024

RS/GS/SAR-(12.02.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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