



CRL OP(MD) No.2046 of 2024

WEB COPY

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

Friday, the Ninth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2046 of 2024

SUBRAMANIAN

... PETITIONER / ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT,
CRIME NO.247/2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SUDHASATHYANANTH.B, 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.247/2023 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

the alleged offence under Sections 406 and 420 IPC in Cr.No.247 of 2023, seeks

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



CRL OP(MD) No.2046 of 2024

anticipatory bail.

2.The case of the prosecution is that the petitioner is arrayed as A1. It is alleged that for supplying the materials, the petitioner and his brother approached the de-facto complainant, accordingly, the petitioner and the de-facto complainant were doing business and the petitioner did not make payment for the supply of materials worth about Rs.2,23,878/- and thereby cheated the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged offence of cheating. However, on instructions, the learned counsel for the petitioner would submit that without prejudice to his rights and contention, the petitioner is willing to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.247/2023 and the same may be disbursed to the de-facto complainant and if the petitioner succeeds in the trial, liberty may be given to the petitioner for refund of the said amount. Accordingly, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl. Side) submitted that since the defacto complainant was cheated for huge sum of money, ie., Rs.2,23,878/- by the petitioner and hence, a case has been registered.



CRL OP(MD) No.2046 of 2024

WEB COPY

5. Considering the facts and circumstances of the case and considering the submission now made by the learned counsel for 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 six weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.I, Kovilpatti, 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) as per the submission made by the petitioner, the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.247/2023 to the de-facto complainant without prejudice to his defence within six weeks from the date of receipt of a copy of the order and the concerned Magistrate, shall accept the sureties furnished by the petitioner on such payment being made and proof filed by

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



CRL OP(MD) No.2046 of 2024

the petitioner; the trial court shall disburse the said amount to the de-facto complainant under proper acknowledgment and affidavit and if the petitioner succeeds in the criminal case, she 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 pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police daily at 10.30 a.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;



CRL OP(MD) No.2046 of 2024

WEB COPY

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

sd/-
09/02/2024

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RR
TO

- 1 THE JUDICIAL MAGISTRATE NO.I
KOVILPATTI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD) No.2046 of 2024

WEB COPY

+1 CC to M/s.B.SUDHA SATHIYANATH, Advocate (SR-1734[I] dated 12/02/2024)

ORDER

IN

CRL OP(MD) No.2046 of 2024

Date :09/02/2024

PKP/VR/SAR /21.02.2024/ 6P/ 6C

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