



CRL OP(MD) No.2328 of 2024

WEB COPY

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2328 of 2024

RAMASAMY

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
KALLIDAIKURICHI POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO.42/2024

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MICHEAL HELDON KUMAR, 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.42/2024 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 alleged offence under Sections 420 of IPC, in Crime No.42 of
2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant



CRL OP(MD) No.2328 of 2024

are the relatives. On 01.09.2018, the defacto complainant transferred a sum of Rs.7,50,000/- to the bank account of the petitioner believing his words that he will get lands at cheaper price. Even after a lapse of years, the petitioner did not return the amount. Hence, the defacto complainant made a complaint before the second respondent on 16.11.2022. Since there was no action, on receipt of the direction of the Court, present FIR came to be registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that in fact, the defacto complainant and the petitioner are relatives. The petitioner received a sum of Rs.7 lakhs from one Ramakrishnan for the defacto complainant. For which, the defacto complainant and his wife executed a promissory note in favour of the said Ramakrishnan. Since cash was received through the petitioner, the defacto complainant transferred the amount to the bank account of the petitioner. The said fact was admitted by the defacto complainant and his wife in the Written statement of the suit in O.S.No.56 of 2019 pending before the learned Sub Court, Ambasamudram. Thereafter, the defacto complainant made a complaint against the petitioner is not sustainable one.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the suit in O.S.No.56 of 2019 is pending between the defacto



CRL OP(MD) No.2328 of 2024

complainant & his wife and said Ramakrishnan. In the said suit, the petitioner is not a party.

WEB COPY

5. Considering the facts and circumstances of the case and also considering the facts that there was civil dispute between the defacto complainant & his wife and the said Ramakrishnan and the petitioner is not a party to the suit, this Court is 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 fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Ambasamudram, 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 sureties shall affix his 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 his identity;



CRL OP(MD) No.2328 of 2024

WEB COPY

(c) 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;

(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;

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

sd/-

14/02/2024

/ TRUE COPY /

/02/2024

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

DSS

TO

1 THE JUDICIAL MAGISTRATE, AMBASAMUDRAM.



CRL OP(MD) No.2328 of 2024

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

WEB COPY

3 THE INSPECTOR OF POLICE, KALLIDAIKURICHI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.MICHEAL HELDON KUMAR, Advocate (SR-1893[I] dated
15/02/2024)

ORDER
IN

CRL OP(MD) No.2328 of 2024
Date :14/02/2024

RS/VR/SAR-(20.02.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023