



CRL OP(MD) No.3026 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3026 of 2024

PRABU

... PETITIONER/ ACCUSED -4

Vs

THE INSPECTOR OF POLICE
PASUPATHIPALAYAM POLICE STATION,
KARUR,
CRIME NO.419 OF 2023

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.SANKAR GANESH.N 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.419/2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406 & 420 of IPC, in Crime No.419 of 2023, on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that A1 received a sum of Rs.10 lakhs from the defacto complainant by giving a false promise that he will secure a job in the Railway Department. After receiving the amount, A1 neither secured the job nor repaid the amount. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that this is the second anticipatory bail petition. Earlier petition filed by the petitioner in Crl.OP(MD)No.22434 of 2023 was withdrew by the petitioner on 09.01.2024. The petitioner is the brother of A3 and he only received the amount from A1, which was received from the defacto complainant. Further, the petitioner is being the brother of A3, he has already paid a sum of Rs.4 lakhs on behalf of A3. Balance amount to be paid is Rs.6 lakhs. In such circumstances, the Law Enforcing Agency falsely implicated the petitioner in this case is not sustainable one. Further, the transaction in between the parties is civil in nature. Accordingly, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the petitioner cheated the amount of Rs.10 lakhs from the defacto



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complainant by giving a false promise that they will secure a job in the Railway Department. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

6.Considering the above facts and circumstances of the case and also considering the fact that there is no serious allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is ordered and 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, Karur, 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:



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(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 daily at 10.30 a.m., for a period of two weeks and thereafter, 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)after the seizure procedure is over, the concerned Magistrate and the respondent Police are directed to comply with the guidelines enumerated under section 52(A) of NDPS Act and as per the guidelines issued by the Hon'ble Supreme Court of India in the case of Union of India Vs. Mohanlal and Another ((2016) 3 SCC 379).

(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



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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/-
27/02/2024

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/03/2024
Sub-Assistant Registrar (CS- I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1. THE JUDICIAL MAGISTRATE NO.I, KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR.

3.THE INSPECTOR OF POLICE
PASUPATHIPALAYAM POLICE STATION, KARUR,

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

+1 CC to M/s.N.SHANKAR GANESH, Advocate (SR-2557[I] dated 29/02/2024)

ORDER
IN

CRL OP(MD) No.3026 of 2024
Date :27/02/2024

RK/GS (04/03/2024) 5P / 6C

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

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