



CRL OP(MD)No.7542 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.05.2024

PRESENT

THE HON'BLE MRS JUSTICE S.SRIMATHY

CRL OP(MD)No.7542 of 2024

S.Devadoss

... Petitioner / Accused No.3

Vs

State Rep. by
The Sub Inspector of Police,
District Crime Branch,
Karur District.
(In Crime No.31 of 2023)

... Respondent / Complainant

For Petitioner : Mr.K.Govindarajan, Advocate
for Mr.V.Muthu Kamatchi, Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)

For Defacto Complainant : Mr.J.Imrankhan, Advocate

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.31 of 2023 on the file of the Respondent police.



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ORDER: The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 420, 465, 468 & 506(i) of IPC in Crime No.31 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is an ex-service man. After his retirement, he was searching job. At that time, A1 has approached the defacto complainant and gave assurance that he would get a job at Southern Railway Board, if he pays a sum of Rs.15,00,000/-. Based on the assurance given by the accused, the defacto complainant has paid a sum of Rs.14,95,137/-. After received said amount, neither the accused A1 to A4 have not provided the job nor returned the said amount to the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that investigation is pending.

5. The learned counsel for the defacto complainant strongly opposed to grant anticipatory bail to the petitioner.



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6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner on condition the petitioner shall deposit a sum of Rs.4,00,000/- to the credit of Cr.No.31 of 2023 before the learned Judicial Magistrate No.1, Kulithalai, within a period of two weeks from the date of receipt of a copy of this order.

7. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Kulithalai 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 learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

(*)b. The petitioner shall appear before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.



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[e]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 is 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].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. It is made clear that the defacto complainant shall not be permitted to withdraw the said amount of Rs.4,00,000/- until further orders.

sd/-
24/05/2024

(*)For Corrected as per Order of this Hon'ble Court dated 10.06.2024 in CrI.OP(MD). 7542/2024.

/ TRUE COPY /

10/06/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMI

To

TO BE SUBSTITUTED WITH THE ORDER DT.24.05.2024 ALREADY
DESPATCHED

1.The Judicial Magistrate No.I,
Kulithalai.



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2. Do through the Chief Judicial Magistrate,
Karur District.

3. The Sub Inspector of Police,
District Crime Branch,
Karur District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-5861[I] dated 24/05/2024)

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-6349 [I] dated 11/06/2024)

+1 CC to M/s.J.IMRAN KHAN, Advocate (SR-24634 [F] dated 27/05/2024)

ORDER

IN

CRL OP(MD) No.7542 of 2024

Date :24/05/2024

ED/ VR /SAR- (29/05/2024) 5P / 6C

KSA

SA/SAR. /10/06/2024 5P/7C

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