



CRL OP(MD)No.7785 of 2024

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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.7785 of 2024

Subramanian @ Subramani (S.S.Mani)

... Petitioner/Sole Accused

Vs

State Rep. by
Inspector of Police,
DCB Police Station,
Thoothukudi District.
Crime No.41 of 2023

... Respondent/Complainant

For Petitioner : Mr.P.Krishnasamy, Advocate

For Respondent : Mr.M.Sakthi Kumar

Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.41 of 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 offences punishable under Sections 406, 420, 294(b) and 506(i) of IPC in Crime No.41 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner has promised the defacto complainant and his relatives that he would secure a job for their sons. Believing the same, the defacto complainant and his relatives also gave a sum of Rs.11,00,000/- to the petitioner. But he failed to secure a job as promised. When the same was questioned by the defacto complainant, the petitioner abused him in filthy language. 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 Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has cheated the defacto complainant, hence he prayed for dismissal of the anticipatory bail application.

5. The learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to deposit a sum of Rs.3,00,000/- (Rupees Three Lakh Only).



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6. Taking into consideration the facts and circumstances of the case and also recording the submission of the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, 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.IV, Thoothukudi, 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 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.

[C] the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs



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only) in two installments to the credit of Cr.No.41 of 2023, on the file of the learned Judicial Magistrate No.IV, Thoothukudi without prejudice to his contentions and rights before the trial Court. The petitioner shall pay the first installment of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) on or before 01.07.2024 and shall pay the second installment of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) on or before 01.10.2024. Failing which, the respondent police is at liberty to file a petition before this Court for cancellation of anticipatory bail.

[d]the petitioner shall not tamper with the 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 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]**.



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[g]If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229-A IPC.

sd/-
24/05/2024

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/06/2024

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

JBR
TO

1 THE JUDICIAL MAGISTRATE NO.IV
THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3 THE INSPECTOR OF POLICE
DCB POLICE STATION,
THOOTHUKUDI

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

+1 CC to M/s.M.PANDIAN, Advocate (SR-5789[I] dated 24/05/2024)

ORDER
IN

CRL OP(MD) No.7785 of 2024

Date :24/05/2024

SS/VR/SAR- /03/06/2024/5P/6C

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