



CRL OP(MD)No.7791 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.7791 of 2024

Navas Ahamed

... Petitioner / 1st Accused

Vs

State Rep. by
The Inspector of Police,
Palani Town Police Station,
Dindigul District.
Crime No.329 of 2023.

... Respondent/Complainant

For Petitioner : Mr.Lenin Kumar, 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.329 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 420, 406, 468, 465 and 120B of IPC in Crime No.329 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant met one Senthil and disclosed that her daughter is searching for a Government job, the said Senthil gave an assurance to arrange a job as Food Safety Inspector and demanded Rs.20,00,000/-. On believing the words of the said Senthil, the defacto complainant gave a sum of Rs.1,30,000/- towards advance to the said Senthil and his friend Venkatesh. After receiving the money, several times, they took the complainant's daughter to Delhi to attend examinations and training. On 10.07.2019, the defacto complainant paid the balance amount of Rs.16,70,000/-. After receipt of money, they gave an appointment order. On verification, he came to know that it is a fake one and hence the petitioner and other accused have cheated the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the



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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 to the tune of Rs.20,00,000/- and the investigation is going on, 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.4,00,000/- (Rupees Four Lakhs Only).

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, Palani, on condition that



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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] This Court is inclined to direct the petitioner to deposit Rs.3,00,000/- (Rupees Three Lakh only). This Court is directing the petitioner to deposit the same in two installments, ie., Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) shall be deposited on or before 31.07.2024 and the balance Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) shall be deposited on or before 31.08.2024 to the credit of Cr.No.329 of 2023, on the file of the Learned Judicial Magistrate, Palani, without prejudice to his contentions and rights before the Trial Court. Failing which, the respondent Police is at liberty to file a petition before this Court for cancellation of anticipatory bail. The complainant is not entitled to withdraw the amount until the disposal of the litigation. ."



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[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].

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

sd/-

24/05/2024

(*)CORRECTED AS PER ORDER OF THIS COURT
DATED 25.06.2024 IN CRL MP(MD)NO.6311 OF 2024 IN
CRL OP(MD)NO.7791 OF 2024

(**)CORRECTED AS PER ORDER OF THIS COURT
DATED 10.07.2024 IN CRL MP(MD)NO.6311 OF 2024 IN
CRL OP(MD)NO.7791 OF 2024

/ TRUE COPY /

/07/2024

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

JBR



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TO

TO BE SUBSTITUTED WITH THE ORDER DATED 24/05/2024 ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE,PALANI.
- 2 DO THROUGH: THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
PALANI TOWN POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-5830[I] dated 24/05/2024)

ORDER
IN

CRL OP(MD) No.7791 of 2024

Date :24/05/2024

SS/GS/SAR- /29/05/2024/6P/6C

RK/VR (28.06.2024) 7P/6C

TMG

PKP/JGB/SAR /19.07.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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