



CRL OP(MD). No.8544 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.8544 of 2024

Aji Kumar,

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
City Crime Branch,
Tirunelveli City,
Tirunelveli.
Crime No. 29 of 2015.

... Respondent/Complainant

For Petitioner : M/s.N.Sudharsan,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.29 of 2015 on the file of the respondent police



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ORDER : The Court made the following order :-

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The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120b, 420 and 506(i) of IPC, in Cr.No.29 of 2015, seeks anticipatory bail.

2. The case of the prosecution is that in order to avail the loan, the defacto complainant approached the first accused and paid a sum of Rs.16,50,000/- towards document charges. Since the loan was not able to be procured by the first accused, the defacto complainant demanded for the repayment of the said amount, the said amount was not repaid by the defacto complainant. Hence, the defacto complainant lodged a complaint against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case foisted against the petitioner and he has not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the investigation has been completed and the charge sheet yet to be filed before the

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concerned Court.

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5. Considering the facts and circumstances of the case and also considering the fact that in this case, investigation has been completed and the charge sheet yet to be filed before the concerned Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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, Tirunelveli, 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 to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;



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(b)the petitioner shall report before the trial Court on every hearing dates without fail.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(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 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;

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

sd/-
12/07/2024

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/07/2024

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

TTA

TO

1.THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI,



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI CITY,
TIRUNELVELI.

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

+1 CC to M/s.N.SUDHARSAN, Advocate (SR-7894[I] dated 15/07/2024)

ORDER
IN
CRL OP(MD) No.8544 of 2024
Date :12/07/2024

RK/GS (29/07/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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