



CRL OP(MD). No.9755 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2024

PRESENT

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

CRL OP(MD). No.9755 of 2024

Mariselvam

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District ,
(Crime No .168/2024).

... Respondent/Complainant

For Petitioner : Mr.M Jothi Basu,
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.168 of 2024 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC in Cr.No.168 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant gave 169.88 grams of gold chain, 52.73 grams of gold bar, 116.88 grams of chain and ring to the petitioner on promise to replace with new jewels. Thereafter, there is no response from the petitioner. Hence, the complaint.

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

4. The learned Additional Public Prosecutor for the respondent police would submit that the defacto complainant cheated the petitioner worth about Rs.23 lakhs. Hence, he strongly opposed to grant anticipatory bail to the petitioner.



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5. Considering the facts and circumstances of the case and considering the nature of the offence, 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, Sivakasi, Virudhunagar District, 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 is directed to deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the credit of the said crime number within a period of two weeks without prejudice to his rights and contentions before the trial Court.

(b) 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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(c)the petitioner shall report before the respondent police weekly once i.e., every Saturday at 10.30 a.m until further orders;

(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)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;

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

sd/-
19/07/2024

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/07/2024

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

SKN



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TO

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- 1 THE JUDICIAL MAGISTRATE NO.I
SIVAKASI, VIRUDHUNAGAR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
 - 3 THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-8244[I] dated 22/07/2024)

ORDER

IN

CRL OP(MD) No.9755 of 2024

Date :19/07/2024

SS/GS/SAR- /29/07/2024/5P/6C

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