



CRL OP(MD). No.10378 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.10378 of 2024

Mohamad Rafi @ Mohammed Rafik

... Petitioner/ Accused No.2

Vs.

The Inspector of Police,
South Gate Police Station,
Madurai City,
Crime No.193/2024.

... Respondent/Complainant

For Petitioner : Mr.K.Sathish Kumar,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.193/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehend arrest at the hands of the respondent



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police for the offences punishable under Sections 406 and 420 of IPC, in Crime No.193 of 2024, seeks anticipatory bail.

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2. The case of the prosecution is that the first accused approached the defacto complainant and told that she is doing Iridum business and got more gain. Believing the words of the first accused, the defacto complainant paid a sum of Rs.18,00,0000/- to the first accused. Thereafter, the first accused did not return the money and the same was questioned by the defacto complainant, at that time, the accused persons threatened him. Hence, the case.

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. He further submitted that the petitioner is ready to deposit a sum of Rs.1,00,000/- (Rupees one Lakh only) to the credit of Crime No.193 of 2024.

4. The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that no previous case is pending against the petitioner.

5. Considering the facts and circumstances of the case and also the fact that no



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previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one Lakh only), to the credit of Crime No.193 of 2024, before the learned Judicial Magistrate No.IV, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

7. On production of such receipt, the petitioner are 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, Madurai, 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 Aadhar card or Bank pass Book to ensure their identity;



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(b)the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., until further orders.

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/07/2024

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/08/2024

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

TTA

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TO
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1.THE JUDICIAL MAGISTRATE NO.IV, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION,
MADURAI CITY,

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

+1 CC to M/s.K,SATHISH KUMAR, Advocate (SR-8009[I] dated 16/07/2024)

ORDER
IN

CRL OP(MD) No.10378 of 2024

Date :12/07/2024

RK/GS(01/08/2024) 5P / 6C

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