



CRL OP(MD) No.13582 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13582 of 2023

C.RAMESH KUMAR

... PETITIONER / ACCUSED NO.1

Vs

1 THE SUB INSPECTOR OF POLICE

C- 5, KARIMEDU POLICE STATION(CRIME),
MADURAI CITY,
IN CRIME NO.467 OF 2023.

...RESPONDENT/COMPLAINANT

2 KALIYAMMAL

...2nd RESPONDENT

(R2 IS SUO-MOTU IMPEADED AS PER ORDER OF
THE COURT DT 26/07/2023 IN CRL.OP(MD)13582
of 2023 by GIJ)

For Petitioner : MR.MAHESH KUMARAVEL, Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

FOR 2nd RESPONDENT: MR.M.MAHABOOB ATHIFF, Advocate

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

Prayer:

FOR ANTICIPATORY BAIL IN CRIME NO.467 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 406, 420, 465, 468, 471 of IPC in Crime No.467 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant gave a sum of Rs.22,00,000/- to A1 and A2 for getting Government Teacher job in TELC Schools. However, they failed to secure any job and also refused to return the money and he issued a fake appointment order, which was not accepted by the Government. Hence the case.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The allegation made against the petitioner is that he received Rs.17,00,000/- from the defacto complainant, whereas, he repaid Rs.5,00,000/- to the defacto complainant. However, on instructions, he would submit that the petitioner is ready to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.467 of 2023, before the learned Judicial Magistrate No.V, Madurai, without prejudice to his rights and contentions. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate

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affidavit from the defacto complainant that if the petitioner succeeds in the trial, liberty may be given to the petitioner for refund of the said amount. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation is yet to be completed.

5. The learned counsel for the intervenor would submit that if the petitioner is failed to deposit the said amount, this anticipatory bail granted to the petitioner may be cancelled.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.467 of 2023, before the learned Judicial Magistrate No.V, Madurai, without prejudice to his rights and contentions, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, 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 respondent police or the police officer who intends to



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arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of four weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.467 of 2023, before the learned Judicial Magistrate No.V, Madurai, without prejudice to his right and contention, within a period of four weeks from the date of receipt of a copy of this order and thereafter, sureties shall be accepted. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, the petitioner is entitled for refund of the said amount;

(d)the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, he shall appear before the respondent Police as and when required;

(e)the petitioner shall not tamper with evidence or witness either during



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investigation or trial;

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

(g)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;

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

sd/-
23/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

- 1 THE JUDICIAL MAGISTRATE NO.V
MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



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- 3 THE SUB INSPECTOR OF POLICE
C- 5, KARIMEDU POLICE STATION(CRIME),
MADURAI CITY,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.MAHABOOB ATHIFF, Advocate (SR-12615[I] dated 22/08/2023)

ORDER
IN
CRL OP(MD) No.13582 of 2023
Date :23/01/2024

PKP/DD/SAR /24.01.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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