



CRL OP(MD). No.12861 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.12861 of 2024

Subramanian,

... Petitioner/ Accused 1

Vs

The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti East,
Thoothukudi District.
Crime No.247/2023.

... Respondent/ Complainant

For Petitioner : Mr.M.Kannan,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.247 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of BNS, in Crime



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No.247 of 2023 on the file of the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that for supplying the materials, the petitioner and his brother approached the defacto complainant, accordingly, the petitioner and the defacto complainant were doing business and the petitioner did not make payment for the supply of materials worth about Rs.2,23,878/- and thereby, cheated the defacto complainant.

3.Heard. Perused the materials available on record including the First Information Report.

4.In this case, it can be seen that already anticipatory bail was granted to the petitioner in CrI.O.P.(MD)No.2046 of 2024 on an undertaking given by the petitioner to deposit the sum of Rs.1,00,000/-.

5.The learned counsel for the petitioner now submits that he will deposit the said sum.

6.Normally this petition should not have been entertained and only an extension of time petition should have been filed by the petitioner.

7.Considering the fact that the petitioner's counsel is giving an undertaking that the petitioner will now deposit the said amount and also comply with the other conditions, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.



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8.As undertaken given by him, the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.247 of 2023 before the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District, without prejudice to his rights and contentions.

9.On such deposit being made, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained



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by this court.

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[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A BNS.

sd/-
07/08/2024

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/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO
1 THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THOOTHUKUDI DISTRICT.



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3 THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
KOVILPATTI EAST,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.M.KANNAN, Advocate (SR-9645[I] dated 08/08/2024)

ORDER IN
CRL OP(MD) No.12861 of 2024
Date :07/08/2024

SA/JGB/SAR. /20.08.2024/5P/6C

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