



CRL OP(MD). No.12838 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

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1. L.Lanoprin

2. Ebin Samuel Kingsly,

3. B.Shaji,

... Petitioners/ Accused Rank not known

Vs

The Inspector of Police,
Thiruvattar Police Station,
Thiruvattar,
Kanyakumari District,
Crime No.301/2024.

... Respondent/ Complainant

For Petitioner : Mr.B. Sargunam,
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.301/2024 on the file of the respondent police.

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

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The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(1) and 420 of BNS, in Crime No.301 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused, by making a false promise with regard to purchase of a bus worth Rs.35 lakhs, which would purportedly yield huge profits in future, received a sum of Rs.9 lakhs from the defacto complainant. Hence, the case.

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

4.The learned counsel for the petitioners would submit that the defacto complainant approached the petitioners and the other accused for purchase of a tour bus. The defacto complainant paid a sum of Rs.9,00,000 to the account of the first petitioner, when the bus was negotiated and brought, he did not like the vehicle and therefore, only the transaction could not fructify. The learned counsel would also submit that the petitioners, to show their bonafide, are willing to redeposit a sum of



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Rs.9,00,000 to the credit of the crime number.

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5.In view thereof, considering the facts and circumstances of the case and considering the submission made by the learned counsel for the petitioners, I am of the view that the petitioners can be enlarged on anticipatory bail.

6.Accordingly, the petitioners are released on anticipatory bail with certain conditions.

7.As undertaken given by them, the petitioners shall deposit a sum of Rs.9,00,000/- (Rupees Nine Lakhs only) to the credit of Crime No.301 of 2024 before the learned Judicial Magistrate No.II, Padmanabhapuram, Thuckalay, Kanyakumari District, without prejudice to their rights and contentions.

8.On such deposit being made, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Padmanabhapuram, Thuckalay, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees



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Ten Thousand only) each 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 petitioners 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 petitioners 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 by this court.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A BNS.

sd/-
07/08/2024

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

SJI

TO

1. The Judicial Magistrate No.II,
Padmanabhapuram, Thuckalay, Kanyakumari District,
2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District @ Nagercoil.
3. The Inspector of Police,
Thiruvattar Police Station,
Thiruvattar, Kanyakumari District.



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.12838 of 2024
Date :07/08/2024

RK/GS (20/08/2024) 6P / 5C

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