



CRL OP(MD). No.12858 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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Antony Jesubalan @ Jesubalan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
(Crime No. 97/2023.)

... Respondent/Complainant

For Petitioner : Mr.K.Kevinkaran, 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.97 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420, 294(b) and



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506(ii) of BNS, in Crime No.97 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner induced the defacto complainant stated that if he deposit Rs.2,50,000/- in MRDT Finanace, he would get more interest of Rs.15,000/- per month for the said amount. Believing which, the defacto complainant gave a sum of Rs.2,18,000/- to the petitioner. Thereafter, the petitioner cheated the defacto complainant. Hence, the case.

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

4.Earlier, the petitioner was granted anticipatory bail by the trial court on condition to deposit a sum of Rs.50,000/-, the said condition was not complied with and therefore, the anticipatory bail worked itself out. The petitioner without filing an application for extension of time or modification has come up with the 2nd anticipatory bail and as such, the petition itself is not maintainable.

5.However, since the learned counsel for the petitioner gives an undertaking that he would deposit a sum of Rs.50,000/- to the credit of crime number, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.

6.As undertaken given by him, the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.97 of 2023



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before the learned Judicial Magistrate, Tiruchendur, without prejudice to his rights and contentions.

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7. 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, Tiruchendur, 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 by this court.

[c] the petitioner shall not tamper with evidence or witness either during



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investigation or trial.

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[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,
Tiruchendur.

2.Do through the Chief Judicial Magistrate,
Thoothukudi District.



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3.The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.

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

+1 CC to M/s.K.KEVIN KARAN, Advocate (SR-9686[I] dated 08/08/2024)

ORDER
IN
CRL OP(MD) No.12858 of 2024
Date :07/08/2024

ED/ JGB /SAR- (20/08/2024) 5P / 6 C

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