



CRL OP(MD). No.13360 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13360 of 2024

Murugan

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
Crime No. 266/2024

... Respondent/Complainant

For Petitioner : Mr.C.Venkatesh, 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. 266 of 2024 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 offence punishable under Section 420 of IPC, in Cr.No.266 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as

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Manager at Antony Metals (P) Ltd., The petitioner ordered materials for construction work worth about Rs.48,130/- through phone. After receiving the same, he failed to pay the amount. When the same was questioned by the sales man, he told that he has already paid the amount in the bank account. But, no such amount was credited in the account. Hence, the complaint.

3.Heard both sides.

4.Considering the nature of allegation in the instant case and also considering the fact that the petitioner is arrayed as accused No.1 and A2 & A3 are said to have canvassed the petitioner and also considering the argument of the learned counsel for the petitioner that the petitioner has paid the amount to A2 and A3, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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.III, Tirunelveli, 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 to the Police Officer, who intends to arrest or 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



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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;

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

sd/-

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

DSS

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TO

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1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.13360 of 2024

Date :14/08/2024

RS/VR/SAR-(24.08.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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