



CRL OP(MD) No.14738 of 2023

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

Monday, the Twenty Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14738 of 2023

ANVAR

... Petitioner / Accused No.2

Vs

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

... Respondent / Complainant

For Petitioner : Mr.R.M.Makesh Kumaravel, Advocate
for M/s.A.P.N. LAW Associates, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (CrI. Side)

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.

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 406, 420, 465, 468 and 471 of IPC in



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Crime No.467 of 2023, on the file of the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that the de-facto complainant gave a sum of Rs.22,00,000/- to A1 and A2 for getting Government Teacher Job in TELC School and after getting the said amount, they issued a fake appointment order, which was not accepted by the Government. Thereby, the accused persons cheated the defacto complainant and also refused to return the said amount. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that earlier this Court granted anticipatory bail to the first accused on condition to deposit a sum of Rs.3,00,000/-. The only allegation against the petitioner is that he introduced the defacto complainant to the main accused person. However, on instructions, he would submit that the petitioner is ready to deposit a sum of Rs.1,50,000/- to the credit of Crime No.467 of 2023, before the trial Court, without prejudice to his rights and contentions. 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, 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



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police submitted that the investigation in this case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioner is ready to deposit a sum of Rs.1,50,000/- to the credit of Crime No.467 of 2023, before the trial Court, without prejudice to his rights and contentions, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of arrest or on 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.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 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 15 days 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



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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.1,50,000/- (Rupees One Lakh Fifty Thousand 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, within a period of two 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 for interrogation;

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



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

sd/-
29/01/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GS

To

1.The Judicial Magistrate No.V,
Madurai.

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

3.The 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.M/S.APN LAW ASSOCIATES, Advocate (SR-1079[I] dated
29/01/2024)



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ORDER

IN

CRL OP(MD) No.14738 of 2023

Date :29/01/2024

ED/ GS /SAR- (01/02/2024) 6P / 6C

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