



CRL OP(MD). No.14695 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). Nos.14695 & 14696 of 2024

CRL OP(MD). No.14695 of 2024

Annamalai

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari.
(Crime No.340/2024).

... Respondent/ Complainant

Anantha Kennady

...Petitioner/ Intervener/
Defacto complainant
in CRL MP(MD)No.9246/2024

CRL OP(MD). No.14696 of 2024

Janakiraman

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari.
(Crime No.340/2024).

... Respondent/ Complainant



Anantha Kennady
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CRL OP(MD). No.14695 of 2024

...Petitioner/Intervener/
Defacto complainant
in CRL MP(MD)No.9247/2024

(In both petitions)

For Petitioner : Mr.S.Senthilvel
for M/s.M.Kokila,

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

For intervenor : Mr.S.Balaji Nivas, Advocate

PETITIONS FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

COMMON PRAYER :- For Anticipatory Bail in Crime No.340/2024 on the file of
the Respondent Police.

COMMON ORDER

The petitioners/Accused, who apprehend arrest at the hands of the respondent
police for the offences punishable under Sections 406, 420 and 468 I.P.C, in Crime
No.340 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the accused received a sum of
Rs.23,00,000/- from the defacto complainant for getting PG seat and the accused
instead of getting a seat, had given a forged letter, as if the seat has been allocated



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to the defacto complainant and thereby, cheated the defacto complainant. Hence, the complaint.

3. Heard the learned counsel on either side and perused the material records of the case.

4. Considered the facts and circumstances of the case and also considering the nature of the case that a sum of Rs.23,00,000/- was paid by the defacto complainant to the accused and the accused instead of getting a seat, had given a forged letter, as if the seat has been allocated to the defacto complainant and the argument of the learned counsel for the petitioners that A1 only forged the said letter. It is contended that as far as these petitioners are concerned, their role is to receive the money and they have already paid a sum of Rs.3,00,000/- and without prejudice to their contentions, they are willing to deposit the balance sum of Rs.20,00,000/- to the credit of crime number. I am inclined to enlarge the petitioners on anticipatory bail only because of the undertaking before this Court by the learned counsel for the petitioners.

5. The anticipatory bail application is opposed by the learned Public

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Prosecutor on the ground that they have also got previous cases. It is made clear
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that only on the undertaking, that is given by the learned counsel for the
petitioners himself, to deposit the amount, this Court is inclined to grant
anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this Petition is allowed and as undertaken, the petitioners shall jointly pay a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the credit of Crime No.340 of 2024 before the Judicial Magistrate No.I, Nagercoil, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.I, Nagercoil.

7. On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Nagercoil, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:



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(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 am for a period of three weeks and thereafter, as and when required for interrogation;

(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;

(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]; and;

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(f)if the accused thereafter abscond, a fresh FIR can be registered
under Section 229-A IPC.

sd/-
03/09/2024

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/09/2024

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

LS

TO

1. THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
3. THE INSPECTOR OF POLICE,
RAJAKKAMANGALAM POLICE STATION,
KANYAKUMARI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.KOKILA, Advocate (SR-10812[I] dated 03/09/2024)

+1 CC to MR.S.SENTHILVEL, Advocte SR No.10813 dated 03.09.2024



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ORDER
IN
CRL OP(MD) No.14695 of 2024
Date :03/09/2024

RK/VR (12/09/2024) 7P / 7C

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