



CRL OP(MD). No.15027 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. M.G.R.Thangaiah Aasari,

2. T.Thangapandi,

3. T.Muthupandi,

4. Senthilpandi,

... Petitioners/ Accused Nos.1to4

Vs

The State of Tamilnadu,
Rep By. the Inspector of Police,
South Gate Police Station,
Madurai City.
Crime No.239 of 2024..

... Respondent

For Petitioners : M/s.Ayyapparaj.S,
Advocate.

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

For Interver : Mr.V.Kishore Kumar, Advocate



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

PRAYER :-

For Anticipatory Bail in Crime no.239 of 2024 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/ A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC, in Crime No.239 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are running a gold ornaments manufacturing shop. The defacto complainant and his wife paid a sum of Rs.2,50,000/- to the petitioners for manufacturing gold ornaments. Thereafter, they neither repaid the amount nor made any gold ornaments. Thereby, cheated the defacto complainant. Hence, the complaint.

3.Heard both sides.

4.Considering the nature of the allegations in this case that after receiving money for making gold ornaments, the petitioner neither repaid the amount nor



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made any gold ornaments, and considering the argument of the learned counsel for the petitioner that the defacto complainant has not come up with the correct version and that he has already filed a civil suit which is pending, and also considering the further argument of the learned counsel for the petitioners that without prejudice to the rights on behalf of the petitioners, a sum of Rs.1,50,000/- will be paid to the credit of crime number, this Court is inclined to enlarge the petitioners on anticipatory bail with certain conditions:

5.As per the undertaking given by the petitioners, the petitioners shall pay a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of Crime No.239 of 2024 before the learned Judicial Magistrate No.IV, Madurai, without prejudice to their rights and contentions.

6.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.IV, Madurai, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned,



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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.

[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].



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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A BNS.

sd/-
11/09/2024

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/09/2024
Sub-Assistant Registrar (CS- I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1. The Judicial Magistrate No.IV, Madurai,
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
South Gate Police Station, Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to MR.S.AYYAPPARAJ, Advocate SR NO.11256 dated 12.09.2024

ORDER
IN
CRL OP(MD) No.15027 of 2024
Date : 11/09/2024

RK/SG (24/09/2024) 5P /6C

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