



CRL OP(MD) No.18392 of 2023

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

Thursday, the Fourth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.18392 of 2023

MUTHURAJ

... PETITIONER/ ACCUSED NO.1

Vs

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TENKASI DISTRICT.
CRIME NO.2/ 2022.

... RESPONDENT/COMPLAINANT

2 P.MAHESH
3 K.SELVANAYAGAM,
4 P.RAJA,
5 K.KARUPPASAMY,
6 P.MADASAMY
7 M.PRAVEENKUMAR
8 S.ANBARASAN
9 K.KUMAR
10 M.RAJADURAI
11 M.PRATHAP SINGH
12 R.ANANTHI
13 K.BALAMURUGAN
14 R.UMA SHANKAR
15 K.MANOJ KUMAR
16 ESAKKI PANDIAN
17 M.MADASAMY
18 V.DINAKARAN
19 S.RAJAJI
20 K.SEBIN KUTTU
21 R.INDUJA

... RESPONDENT NOS.2 TO 21

(R2 TO R21 ARE IMPEADED AS PER ORDER OF THE
COURT DATED 17/11/2023 IN CRL MP(MD).
15146/2023 IN CRL OP(MD).18392/2023 BY VSGJ)

<https://www.mhc.tn.gov.in/judis>



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For Petitioner : M/S.G.THALAIMUTHARASU, Advocate
For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor
For Intervener : MR.M.RIYAZ MOHAMMED, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.2/2022 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 420 of IPC in Crime No.2 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons made a false promise, as if they will secure the job to the victims and obtained Rs.1,13,00,000/- (Rupees One Crore and Thirteen Lakhs only). But after receiving the money, the accused persons neither secured the job nor return the money to the victims. Hence, on behalf of the affected victims (51 persons), one Mahesh preferred a complaint before the respondent Police. Hence, the present petition is filed to grant anticipatory bail to the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. On earlier occasion, this Court granted



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anticipatory bail to the petitioner on condition to deposit the original title document worth about Rs.1,00,00,000/- (Rupees One Crore Only) stands in the name of the petitioner, his family members and his friends to the credit of Crime No.2 of 2022 before the concerned Court. But however, the petitioner is unable to mobilise the title document, extension petition was filed and that was also allowed on 18.05.2023. Since the petitioner had not complied the condition even after granting extension of time, the anticipatory bail granted to the petitioner was cancelled. Subsequently, this petition has been filed, stating that there are three accused and out of the total amount, this petitioner's share is only Rs.35,00,000/- (Rupees Thirty Five Lakhs only) and out of Rs.35,00,000/-, the petitioner is ready to deposit Rs.30,00,000/- (Rupees Thirty Lakhs only) to the credit of Crime No.2 of 2022, before the learned Judicial Magistrate No.I, Tirunelveli, without prejudice to their 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. Further he would submit that the balance amount may be recovered from the other accused. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case. Hence, he opposed to grant anticipatory bail to the petitioner.



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5. The learned counsel for the defacto complainant would submit that if the petitioner is failed to deposit Rs.30,00,000/- as agreed by him before this Court, direction may be issued to secure the petitioner and proceed the investigation.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to deposit Rs.30,00,000/- (Rupees Thirty Lakhs Only) to the credit of Crime No.2 of 2022, before the concerned trial Court, without prejudice to his right and contention, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of six weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, 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 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 six weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



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(b)the petitioner shall deposit a sum of Rs.30,00,000/- (Rupees Thirty Lakhs only) to the credit of the Crime No.2 of 2022 before the concerned trial Court, without prejudice to his defence before the trial Court, within a period of six weeks from the date of receipt of copy of this order. 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;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
04/01/2024

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/01/2024

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

INDU

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.18392 of 2023
Date :04/01/2024

RS/JGB/SAR-(29.01.2024) 6P 5C
Madurai Bench of Madras High Court is issuing
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