



CRL OP(MD) No.18113 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.18113 of 2023

S.VIJAYALINGARAJA

... Petitioner / Accused Rank not known

Vs

THE INSPECTOR OF POLICE
CHINAMMANNUR POLICE STATION,
THENI DISTRICT.

(CRIME NO.NOT KNOWN OF 2023). ... Respondent / Complainant

For Petitioner : M/s.S.Saravana Kumar, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.NOT KNOWN OF 2023 ON
THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence under Sections 406, 420 and of IPC in Crime No.Not Known of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant preferred a complaint before the respondent Police stating that the petitioner made a false



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promise to the defacto complainant as if he will secure the Government Job, for which, he received Rs.7,00,000/- (Rupees Seven Lakhs only). After receiving the money, he neither returned the money nor secured the job. Hence, the present complaint.

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. Further, out of Rs.7,00,000/- the petitioner already paid Rs.2,90,000/- (Rupees Two Lakhs and Ninety Thousand only) to the defacto complainant. On instruction, he would submit that the petitioner is ready to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) before the learned Judicial Magistrate, Uthamapalayam, Theni District, without prejudice to his rights and contentions. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case and the fact that the petitioner is ready to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only), before the concerned trial Court, without prejudice to his rights and contentions, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he is ordered



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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, Uthamapalayam, Theni District, 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;

(b) 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;

(c) the petitioners shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only), before the learned Judicial Magistrate, Uthamapalayam, Theni District, without prejudice to his rights and contentions, within a period of six weeks from the date of receipt of a 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 succeed in the trial, the petitioner is



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entitled for refund of the said amount;

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(e) the petitioner shall report before the respondent police as and when required for interrogation;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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;

(e) 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.

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To

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1.The Judicial Magistrate,
Uthamapalayam, Theni District.

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

3.The Inspector of Police,
Chinnamannur Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-187[I] dated 05/01/2024)

ORDER
IN

CRL OP(MD) No.18113 of 2023

Date :04/01/2024

ED/ JGB /SAR- (18/01/2024) 5P / 6C

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