WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18335 of 2024

Mohamed Rasul ... Petitioner/Accused No.3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thottiyam Police Station,
Trichy District
Cr.No.260 of 2024. ... Respondent/Complainant

For Petitioner : Mr.Arjun S,
Advocate.

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

For Intervenor : Mr.A.Thiyagarajan

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.260 of 2024 on the file of the Respondent Police.

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

WEB COPY

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 318(4), 316(2) and 351(2) of BNS, in Crime No.260 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused received a sum of Rs.5,71,200/- from the defacto complainant and his friend on a promise to secure job at Canada and cheated them.

3.Heard. Perused the materials available on record including the First Information Report.

4.The learned counsel for the intervenor opposed to grant anticipatory bail to the petitioner.

5.Considering the nature of allegations against the petitioner that the petitioner is a relative of the prime accused, who was also present when the victims visited the prime accused in his house and also enticed and encouraged them to give money and subsequently threatened them and also considering the argument of the learned counsel for the petitioner that without prejudice to his rights and contentions, to show his *bonafide*, the petitioner will deposit a sum of Rs.1,50,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

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

WEB COPY

6.As undertaken given by him, the petitioner shall deposit a sum of **Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only)** to the credit of Crime No.260 of 2024 before the learned Judicial Magistrate, Thottiyam, without prejudice to his rights and contentions.

7.On such deposit being made, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thottiyam, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

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

WEB COPY

[e] 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].

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

sd/-
24/10/2024

/ TRUE COPY /

/ /2024

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate, Thottiyam.

2. Do-Through The Chief Judicial Magistrate,
   Trichy District.

3. The Inspector of Police,
   Thottiyam Police Station,
   Trichy District.

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

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

WEB COPY

ORDER
IN
CRL OP(MD) No.18335 of 2024
Date :24/10/2024

KVL/23.11.2024 5P/5C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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