



CRL OP(MD). No.18774 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18774 of 2024

Sivakumar.M

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu Rep by its,
The Inspector of Police,
Elumalai Police Station,
Madurai District.
Crime No.92 of 2022

... Respondent/Complainant

For Petitioner : Mr.R.Vignesh,
Advocate.

For Respondent : Mr.R.M.Anbunith,
Additional Public Prosecutor
(Crl. side)

PRAYER :- For Anticipatory Bail in Crime No.92 of 2022 on the file of the
Respondent police.



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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, 409, 420 of IPC, in Crime No.92 of 2022, seeks anticipatory bail.

2. The case of the prosecution is the petitioner had committed a crime by cheating and grabbing money by way of a company. Hence, the complaint.

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

4. Considering the nature of the allegations in this case that the petitioner was working as a collection agent and after collecting a sum of Rs.2,53,513/- from the de-facto complainant and misappropriated the entire amount and thereafter only repaid a sum of Rs.1,05,000/- and the balance remaining payable and considering that the investigation has been completed and the charge sheet is also filed and the case is now pending in C.C. No. 331 of 2023, I am inclined to enlarge the petitioner



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on anticipatory bail with certain conditions.

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5. Accordingly, this Petition is allowed and the petitioner is ordered to be released on bail in the event of his arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Usilampatti, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 trial Court on all the hearing dates without fail;

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



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(d)the petitioner 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 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;

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

sd/-
29/10/2024

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/ 11 /2024
Sub-Assistant Registrar
(CS-I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

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

ORDER
IN

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Date : 29.10.2024

SI -(25.11.2024) 5P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.