



CRL OP(MD). No.18899 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.18899 of 2024

M Starwin

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by, The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(Crime No. 26 of 2024)..

... Respondent/Complainant

For Petitioner : Mr.R.Anand, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Intervener : Mr.S.Vishnu Varadhan, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.26 of 2024 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

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



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the alleged offence under Sections 406, 420, 294(b), 506(i) and 120(B) IPC in Crime No.26 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is well known to the petitioner/A1. The petitioner is said to have assured the defacto complainant that if money is invested in the business, it will be doubled and paid to the defacto complainant. Further case of the prosecution is that the petitioner/A1 asked the defacto complainant to pay the money to the account of his uncle/A2. Accordingly, a sum of Rs.20 lakhs was paid to A1, in which, Rs.18 lakhs was paid by way of bank transaction to A1 and Rs.2 lakhs was paid by way of cash to A1. Subsequently, the accused persons cheated the defacto complainant and the amount was not returned back. A2 was arrested in this case and later, enlarged on bail.

3.When the matter came up for hearing on 05.11.2024 this Court considering the facts of the case directed the petitioner to attend for inquiry before the respondent police. The order passed by this Court on 05.11.2024 is extracted hereunder:

“When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) submitted that the petitioner has been arrayed as A1 in this case.

2.Considering the nature of the allegations made in the FIR against the petitioner, there shall be a direction to the petitioner to appear before the respondent police on 12.11.2024 at 11.30 a.m. The enquiry shall be conducted and the petitioner



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shall cooperate for the enquiry by furnishing all the relevant documents before the respondent police.

3.Mr.S.Vishnuvardhan, the learned counsel, who appearing for the defacto complainant, want to intervene in this case.

4.The petitioner shall also appear for enquiry as and when required by the respondent police.

5.In the mean time, the learned Government Advocate (Criminal Side) shall take instructions on the further course of action to be taken based on the enquiry to be conducted in this case.

6.Post this petition for hearing on 26.11.2024."

4.Pursuant to the above order, the petitioner has attended the inquiry before the respondent police.

5.When the matter came up for hearing today, a status report has been filed by the respondent police. The respondent has come up with a stand that the petitioner is now giving two versions for the same incident, which are contradictory. The further case of the respondent is that the petitioner in order to escape from the criminal liability gave a false and misleading statement and absolutely there is no proof on the side of the petitioner for having settled the amount to the defacto complainant.



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6. Heard the learned counsel appearing for the petitioner, learned counsel for the intervener and the learned Government Advocate (Crl.Side) appearing for the respondent.

7. Taking into consideration of the facts and circumstances of the case and considering the nature of transaction between the parties and also considering the fact that A2 was arrested in this case and later, enlarged on bail A1 has attended the enquiry before the respondent police as was directed by this Court, this Court is inclined to grant anticipatory bail to the petitioner on bail to the petitioner.

8. Accordingly, this criminal original petition is ordered and 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Thoothukudi, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the petitioner and the sureties shall affix their photographs and Left Thumb



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Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent police on every Monday and Friday at 05.30p.m., until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

sd/-
26/11/2024

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/ 12 /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
NO.IV, THOOTHUKUDI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18899 of 2024
Date :26/11/2024

PSP/ GSV /SAR /03.12.2024/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified
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