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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18926 of 2024

1.Jahirhussain

2.Abdul Sithik

... Petitioners / Accused 1 & 2

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thottiyam Police Station,
Trichy District.
(Crime No.260 of 2024)

... Respondent/Complainant

For Petitioners: M/s.S.Arjun,
Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.260/2024 on the file of the respondent police.



ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 318(4), 316(2) and 351(2) of the BNS, 2023, in Crime No.260 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner and the other accused have committed a crime by cheating money from the de-facto complainant. 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 on promising to get a job, the petitioner and the other accused totally received a sum of Rs.5,71,200/- from 2 victims and considering the fact that the accused upon undertaking given by them that they will deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) each, without prejudice to their rights and contentions, I am inclined to enlarge the petitioners on anticipatory bail with certain conditions.

5. Accordingly, the petitioner are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate Court,**

Thottiyam, on condition that the petitioners shall execute a bond for a sum of

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Rs.10,000/- (Rupees Ten Thousand only) with two common 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 petitioners 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 petitioners are directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) each to the credit of Crime No.260 of 2024 before the Judicial Magistrate Court, Thottiyam, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties. Only upon deposit, the petitioners shall be enlarged on anticipatory bail.

(c) the petitioners 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 the interrogation.

(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

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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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

30/10/2024

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/ /2024

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

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TO

1. The Judicial Magistrate,
Thottiyam.
2. Do Through
The Chief Judicial Magistrate,
Trichy.
3. The Inspector of Police,
Thottiyam Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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ORDER
IN

CRL OP(MD) No.18926 of 2024

Date :30/10/2024

KVL/23.11.2024 5P/5C

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