



CRL OP(MD) No.20414 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.20414 of 2023

PERIYASAMY

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
MUSIRI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.388 OF 2023)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.T.LENINKUMAR, Advocate
For Respondent : MR.P.KOTTAICHAMY,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 388 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 420 and 506(i) IPC in Cr.No.388 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein received a sum of



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Rs.8,11,400/- from the complainant under the guise of securing a job in postal department, thereby cheated the de-facto complainant. The petitioner has not repaid the amount. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence. The petitioner only borrowed some amount, however, repaid a sum of Rs.1,50,000/-. However, the complaint has been given as if the petitioner has borrowed a sum of Rs.8,11,400/-, which was with exorbitant interest. However, on instructions, the learned counsel for the petitioner would submit that without prejudice to his rights, the petitioner is willing to pay a sum of Rs.3,00,000/- (Rupees three lakhs only) by way of Demand Draft to the de-facto complainant and file a copy of the demand draft before the trial Court. Accordingly, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that there is no previous case against the petitioner. Since the defacto complainant was cheated for huge sum of money by the petitioner, a case has been registered.

5.Considering the facts and circumstances of the case and considering the submission now made by the learned counsel for the petitioner, I am inclined to grant anticipatory bail to the petitioner.

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



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released on 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, Musiri, on condition that the petitioners 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 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall make payment of a sum of Rs.3,00,000/- (Rupees three Lakhs) without prejudice to his defence before the trial Court and the concerned Magistrate, shall accept the sureties furnished by the petitioner on such payment being made and proof filed by the petitioner;

(c)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;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e)the petitioner shall not tamper with evidence or witness either during



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investigation or trial;

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

(g) 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;

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

sd/-

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

RR

TO

1 THE JUDICIAL MAGISTRATE, MUSIRI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, MUSIRI POLICE STATION, TRICHY DISTRICT.

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



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+1 CC to M/s.T.LENINKUMAR, Advocate (SR-125[I] dated 04/01/2024)

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ORDER

IN

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Date :03/01/2024

RS/DD/SAR-(08.01.2024) 5P 6C

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