



CRL OP(MD) No.19995 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.19995 of 2023

B DAISY RANI

... Petitioner / Accused No.1

Vs

THE SUB INSPECTOR OF POLICE
PALANICHEETYPATTI POLICE STATION,
THENI DISTRICT.
(CRIME NO.502/2023)

... Respondent / Complainant

For Petitioner : M/s.P.R.Prithiviraj, Advocate
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)
For Intervener : Mr.M.Jerin Mathew, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO. 502/2023 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 416, 417 and 420 IPC in Cr.No.150 of 2023,
seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner is arrayed as However, he has not repaid the amount and hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioner is an innocent person. He would further submit that out of Rs.2,35,000/-, already a sum of Rs.15,000/- was paid to the de-facto complainant. However, on instructions, the learned counsel for the petitioners would submit that without prejudice to his rights, the petitioners are willing to deposit a sum of Rs.1,90,000/- (Rupees one lakh ninety thousand only) to the de-facto complainant by way of demand draft. Accordingly, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that since the defacto complainant was cheated for huge sum of money by the petitioner, a case has been registered.

6. 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.

7.Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of six weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioner shall execute a bond for a sum of



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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 pay a sum of Rs.1,90,000/- (Rupees one lakh ninety thousand only) by way of demand draft to the de-facto complainant without prejudice to his defence within six weeks from the date of receipt of a copy of the order 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 investigation or trial;

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



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(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/-
03/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RR

To

1.The Judicial Magistrate,
Theni.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Sub Inspector of Police,
Palanichettypatti Police Station,
Theni District.



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

+1 CC to M/s.P.R.PRITHIVIRAJ, Advocate (SR-251[I] dated 05/01/2024)

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-142[I] dated 04/01/2024)

ORDER

IN

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Date :03/01/2024

ED/ JGB /SAR- (10/01/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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