



CRL OP(MD) No.20125 of 2023

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

Tuesday, the Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.20125 of 2023

1 MANIKANDAN @ MANIKANDARAJA PANDIAN

2 GURUSAMY

3 RAMKUMARAN

4 VISHNUSANKAR

... PETITIONERS/
ACCUSED RANK NOT KNOWN

Vs

THE SUB INSPECTOR OF POLICE
THIRUVENGADAM POLICE STATION,
TENKASI DISTRICT.

(CRIME NO.125 OF 2023)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.RANJITHRAJA.P, Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO. 125 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406 and 420 IPC in Cr.No.125 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant, who is running a shop, had approached the accused persons for wholesale of tomatoes and accordingly paid a sum of Rs.3,00,000/- to the accused persons. However, the accused persons neither sent the vegetables nor returned the money and hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Further the petitioners herein and the de-facto complainant were having business and due to business motive, the present complaint has been registered. The learned counsel would submit that without prejudice to the rights of the petitioners, the petitioners are ready to pay Rs.2,00,000/- to the de-facto complainant by way of demand draft. Accordingly, he prays for anticipatory bail.



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4.The learned Additional Public Prosecutor submitted that there are no previous cases against the petitioners. Since the defacto complainant was cheated a huge sum of money by the accused persons, he strongly opposed the grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of 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, Sankarankovil, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners 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



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stand automatically cancelled;

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(b) the petitioners shall pay Rs.2,00,000/- (Rupees Two Lakhs only) without prejudice to his defence to the de-facto complainant and the concerned Magistrate, shall accept the sureties furnished by the petitioners on such payment being made and proof filed by the petitioners and if the petitioners succeed in the trial, they are entitled for refund of the said amount;

(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 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;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;



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

sd/-
02/01/2024

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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, SANKARANKOVIL,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3.THE SUB INSPECTOR OF POLICE
THIRUVENGADAM POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.20125 of 2023

Date :02/01/2024

RK/DD (05/01/2024) 5P / 5C

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