



CRL OP(MD). No.20927 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Mathanagopal

... Petitioner / Accused No.2

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
District Crime Branch,
Karur District.
(Crime No.31 of 2023)

... Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed,
Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.31 of 2023 on the file of the respondent police.

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



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ORDER : The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 120(b), 420, 465, 468 and 506(i) of IPC, in Crime No.31 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is an Ex-service military man and he was approached by the accused persons with a false promise that that they will get a job at Southern Railway. They totally received a sum of Rs.14,95,137/- and they cheated the defacto complainant and the money was also not returned back. There are totally 4 accused persons in this case and the petitioner has been arrayed as A2.

3. The learned Government Advocate (Criminal Side), on instructions, submitted that the petitioner is the father of A1. A1 was arrested in this case and he received a sum of Rs.2.67 lakhs. A2 received a sum of Rs.33,000//-. A3 received a sum of Rs.3.25 lakhs and A4 received a sum of Rs.6.20 lakhs. A4 in this case is residing in New Delhi. He further submitted that nothing was recovered from A1 who was arrested and later enlarged on bail. A4 is absconding in this case. A3 was granted anticipatory bail with a condition that he must deposit a sum of Rs.4 lakhs and this amount has been deposited.



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4. The learned counsel for the petitioner submitted that the petitioner has been falsely roped in this case and he has nothing to do with the alleged incident.

5. Heard the learned counsel on either side and perused the material records of the case.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner is aged about 73 years and A3 was granted anticipatory bail by this Court imposing condition to deposit the amount, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.I, Kulithalai, 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 learned Magistrate concerned, failing which, the petition for



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anticipatory bail shall stand dismissed and on further condition that:

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[a] the petitioner 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 petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Laksh only) to the credit of Crime No.31 of 2023 before the learned Judicial Magistrate No.I, Kulithalai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties. Only upon deposit, the petitioner shall be enlarged on anticipatory bail.

[c] the petitioner shall appear before the respondent police as and when required.

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



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[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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

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

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TO

1. THE JUDICIAL MAGISTRATE COURT NO.I, KULITHALAI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.



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

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

ORDER
IN
CRL OP(MD) No.20927 of 2024
Date :03/12/2024

RK/SKN (09/12/2024) 6P / 5C

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