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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). Nos.21720 and 21733 of 2024

B.Marimuthu

... Petitioner / Accused No.4
(in Crl.OP(MD).No.21720 of 2024)

1.Devaraj

2.Pandiponnu

... Petitioners / Accused No.3 & Rank Not Known
(in Crl.OP(MD).No.21733 of 2024)

Vs

The Inspector of Police,
Koodal Pudur Police Station,
Madurai Distrcit.
(Crime No.491 of 2024)

... Respondent/Complainant
(in both cases)

For Petitioner : Mr.M.Jegadeesha Pandian, Advocate
(in Crl.OP(MD).No.21720 of 2024)

For Petitioner : Mr.T.A.Ebenezer, Advocate
(in Crl.OP(MD).No.21733 of 2024)

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

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No. 491 of 2024 on the file of the respondent
police

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



COMMON 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 offences under Sections 420 of IPC, in Crime No.491 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was informed by the accused persons that they are doing business of mortgaging and selling jewels and he was lured with high profits. Believing the words, the defacto complainant is said to have paid a sum of Rs.12,11,500/-. This amount was not given back and the defacto complainant was cheated. There are totally 5 accused persons in this case and the petitioners have been arrayed as A3 to A5.

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

4. Taking into consideration the facts and circumstance of the case and considering the business transaction between the parties and also considering the fact that the entire case is borne out by records, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners 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 on which the order copy made ready, before the learned Judicial Magistrate Court No.IV,



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Madurai District, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 shall appear before the respondent Police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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 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].



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

sd/-
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/12/2024

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

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TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, KOODAL PUDUR POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.MARIMUTHU, Advocate (SR-15316[I] dated 12/12/2024)
+1 CC to M/s.T.A.EBENEZER, Advocate (SR-15227[I] dated 11/12/2024)

ORDER IN
CRL OP(MD). Nos.21720 and 21733 of 2024
Date :10/12/2024

RS/SKN/SAR-(20.12.2024) 4P 7C
Madurai Bench of Madras High Court is issuing
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