



Crl.O.P(MD) No.21820 of 2023

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

Crl.O.P(MD) No.21820 of 2023

and

Crl.M.P(MD) No.17686 of 2023

1 RAMESH KANNA

2 NITHYADEVI

... PETITIONERS / ACCUSED 2 & 3

Vs

THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH,  
KARUR DISTRICT.  
CRIME NO. 27/2023.

... RESPONDENT / COMPLAINANT

MANIKANDAN RAVI

... PETITIONER/INTERVENER  
IN CRL.MP(MD).17686/2023 IN CRL.OP(MD).21820/2023

For Petitioner : Mr.S.RAMESH KUMAR, Advocate  
for M/S.VENKATESAN R Advocate

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

For Intervenor : Mr.V.P.RAJU, Advocate  
for Mr.M.P.SENTHIL, Advocate

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



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PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.27/2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 120B, 406 and 420 of IPC in Crime No.27 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused persons entered into criminal conspiracy and cheated the defacto complainant for a sum of Rs.10,00,000/- stating that he will secure the Government Job to the defacto complainant. Thereby, the defacto complainant preferred a complaint before the respondent Police.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Further, he would submit that these petitioners are the accused Nos.2 and 3 and they are no way connected with the defacto complainant. The entire allegation is made against the first accused only. But, the respondent Police has not secured the first respondent till date. However, on instructions, he would submit that the petitioners are ready to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) jointly to the credit of Crime No.27 of 2023, before the learned Judicial Magistrate No.I, Karur, without prejudice to their rights



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and contentions. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioners succeed in the trial, the defacto complainant shall refund the said amount to the petitioner. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are ready to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) jointly to the credit of Crime No.27 of 2023, before the concerned trial Court, without prejudice to their rights and contentions, I am inclined to grant anticipatory bail to the petitioners. However, the serious allegation is made against the first accused, this order is not applicable to him.

6. Accordingly, this petition is allowed and consequently, connected Miscellaneous Petition is allowed. 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 four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Karur, 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



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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 four weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)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;

(c) the petitioners shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) jointly to the credit of Crime No.27 of 2023, before the learned Judicial Magistrate No.I, Karur, without prejudice to their rights and contentions, within a period of four weeks from the date of receipt of a copy of this order and thereafter, sureties shall be accepted. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioners succeed in the trial, the petitioners are entitled for refund of the said amount;

(d)the petitioners shall report before the respondent police as and when required for interrogation;



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(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;

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

sd/-  
23/01/2024

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/02/2024  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

INDU  
TO  
1 THE JUDICIAL MAGISTRATE NO.I, KARUR.

2 DO THROUGH THE CHIEF JUDICIAL  
MAGISTRATE, KARUR DISTRICT.

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

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



*Crl.O.P(MD) No.21820 of 2023*

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

+1 CC to M/s.R.VENKATESAN, Advocate ( SR-993[I] dated 24/01/2024 )

ORDER IN  
Crl.O.P(MD) No.21820 of 2023  
and  
Crl.M.P(MD) No.17686 of 2023  
Date :23/01/2024

SA/JGB/SAR. /05.02.2024/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.