



CRL OP(MD) No.22899 of 2023

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

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22899 of 2023

MUNIYASAMY

... PETITIONER/ ACCUSED 1

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT
IN CRIME NO.25/2022

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.SATHEESH KUMAR.V Advocate

For Respondent : Mr.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.25/2022 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 120(B), 406 and 420 IPC in Cr.No.25 of 2022, seeks
anticipatory bail.



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2.The case of the prosecution is that the de-facto complainant is the original owner of the property. The petitioner herein is the brother of the de-facto complainant. While so, the petitioner facilitates the sale transaction between the de-facto complainant and A3. However, the de-facto complainant made a complaint stating that accused persons have colluded together and cheated the de-facto complainant by not paying any amount for the property and hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person. He would further submit that the real transaction is only between the de-facto complainant and A3, in which, the petitioner acted as a broker. He would further submit that already co-accused/ A3 filed a petition for anticipatory bail and the same was allowed by this Court in CrI.O.P.(MD) No.22799 of 2022 vide order dated 02.01.2023. Therefore, he prays for anticipatory bail.

4.The learned Government Advocate (CrI. Side) would submit that since the defacto complainant was cheated for huge sum of money by the petitioner and others, a case has been registered.

5. Considering the facts and circumstances of the case and considering the fact that the co-accused had already granted the relief of anticipatory bail, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he is ordered



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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, No.II, Virudhunagar, 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 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 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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



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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;

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

sd/-
10/01/2024

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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 NO.II,
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT

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



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+1 CC to M/s.V,SATHEESH KUMAR, Advocate (SR-708[I] dated 12/01/2024)

ORDER
IN
CRL OP(MD) No.22899 of 2023
Date :10/01/2024

SA/DD/SAR. /23.01.2024/5P/6C

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