



CRL OP(MD) No.23179 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Ninth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.23179 of 2023

(*)SUBRAMANIAN @ SUBRAMANI (S.S.MANI) ... Petitioner / Sole Accused

Vs

THE INSPECTOR OF POLICE
DCB POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.41 OF 2023)

... Respondent / Complainant

For Petitioner : M/S.D.Senthil Kumar, Advocate
For Respondent : Mr.P.Kottaichamy, Government Advocate (Crl. Side)
For Intervener : M/s.J.Senthil Kumariah, Advocate

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 41 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 406, 420 and 506(i) IPC in Crime No.41 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner induced and received a sum of Rs.5,50,000/- from the defacto complainant and a sum of Rs.5,50,000/- from another person for securing a job. Thereafter, he failed to secure the job and also



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refused to return the amount. Hence, the present case came to be registered.

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3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that though the petitioner has not received any amount, without prejudice to his rights, the petitioner is ready to deposit a sum of Rs.4,00,000/- to the credit of crime number and on such deposit, the learned Magistrate shall disburse a sum of Rs.2,00,000/- to the defacto complainant and a sum of Rs.2,00,000/- to another victim after obtaining a proper affidavit. In the event of petitioner succeeding in the present case, the amount will be refunded to him. Hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation in this case is not yet completed.

5.Considering the facts and circumstances of the case and also considering the fact that that petitioner has come forward to deposit a sum of Rs.4,00,000/- to the credit of crime number, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Thoothukudi,



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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 is directed to deposit a sum of Rs.4,00,000/-(Rupees Four Lakhs only) to the credit of Crime No.41 of 2023 before the learned Judicial Magistrate No.IV, Thoothukudi and on such deposit, the learned Magistrate shall disburse a sum of Rs.2,00,000/- to the defacto complainant and a sum of Rs.2,00,000/- to another victim after obtaining a proper affidavit. In the event of petitioner succeeding in the present case, the amount will be refunded to him.

(d)the petitioner shall report before the respondent police as and when required;

(e)the petitioner shall not tamper with evidence or witness either during



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investigation or trial;

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(f)the petitioner 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 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;

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

sd/-
09/01/2024

(*)(Cause title amended as per order of the court dated 08.03.2024 in CRL MP(MD).2940/2024 in CRL OP(MD).23179/2023)

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/03/2024

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

GNS



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To

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TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
24/01/2024

1.The Judicial Magistrate No.IV,
Thoothukudi.

2.Do through the Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
DCB Police Station,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC TO MR.D.SENTHIL KUMAR, ADVOCATE, SR-3050[I] Dated 12/03/2024

ORDER

IN

CRL OP(MD) No.23179 of 2023

Date :09/01/2024

ED/DD /SAR- (19/01/2024) 5P / 7C

RS/JGB /SAR- (15/03/2024) 5P / 6C

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