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CRL OP(MD) No.23273 of 2023

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23273 of 2023

JAGADEESAN

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR DISTRICT.
CRIME NO.28 OF 2023.

... RESPONDENT/COMPLAINANT

M.RAGUL

... INTERVENING PETITIONER/DEFACTO
COMPLAINANT/DEFACTO COMPLAINANT
IN CRL.MP(MD).42/2024 IN CRL.OP(MD).23273/2023

For Petitioner : Mr.S.MUTHUKRISHNAN Advocate

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

For Intervenor : Mr.K.NEETHIMOHAN, Advocate

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.28 OF 2023 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



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the alleged offence under Sections 406, 420, 294(b) and 506(i) IPC in Crime No.28 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner lured the defacto complainant by stating that if he invests some money in the business, the petitioner will give a sum of Rs.50,000/- per month and the defacto complainant has also invested a sum of Rs.11,37,400/-, but the petitioner has refused to pay the amount and abused the defacto complainant in filthy language. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that admittedly, the defacto complainant has to pay a sum of Rs.7,00,000/- to the petitioner, for which, the petitioner has also filed a suit and the same is pending. In order to defeat the same, the defacto complainant has lodged a false complaint. However, on instructions, he would further submit that the petitioner is ready to deposit a sum of Rs.2,00,000/-, to the credit of Crime No.28 of 2023 before the trial Court without prejudice to his rights and contentions and the trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that in the event the petitioner succeeds in the trial, liberty may be granted to the petitioner for refund of the said amount. Therefore, he prays for



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grant of anticipatory bail to the petitioner.

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4. The learned counsel appearing for the intervenor submits that prior to filing of the suit, the defacto complainant has made a complaint before the respondent Police, however, the respondent Police has not initially taken the complaint on file and thereafter, the FIR was registered. Hence, he prays for dismissal of anticipatory bail to the petitioner.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner is ready to deposit a sum of Rs.2,00,000/- before the trial Court, without prejudice to his rights and contentions, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is granted anticipatory bail and he 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.2, 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 and on



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further condition that:

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(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 make a payment of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.28 of 2023 before the learned (*)Judicial Magistrate No.2, Kulithalai, without prejudice to his rights and contentions and the trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that in the event the petitioner succeeds in the trial, he is entitled for refund of the said amount;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

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

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

(g)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;

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

sd/-
05/01/2024

(*)Amended as per Order of the Court dt.13.02.2024 in CrI.MP(MD).1674/2024 in CrI.OP(MD).23273 of 2023.

Further time granted by this Court, vide order dated 05.01.2024, is extended for a period of two weeks from the date of receipt of copy of this order.

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

SSB

TO

TO BE SUBSTITUTED WITH THE ORDER DT.05.01.2024 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.1,
KULITHALAI.

2 THE JUDICIAL MAGISTRATE NO.2,
KULITHALAI.

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



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3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KARUR DISTRICT.

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

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

+1 CC to M/s.S.MUTHUKRISHNAN, Advocate (SR-1805[I] dated 13/02/2024)

ORDER
IN
CRL OP(MD) No.23273 of 2023
Date :05/01/2024

SA/JGB/SAR. /23.01.2024/6P/6C
INDU

SA/VR/SAR. /19.02.2024/6P/7C

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