



CRL OP(MD) No.23553 of 2023

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

Thursday, the First day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23553 of 2023

PETCHIMUTHU

... PETITIONER/1ST ACCUSED

Vs

THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TIRUNELVELI DISTRICT.
CRIME NO.24 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.P.M.VISHNU VARTHANAN Advocate

For Respondent : MR.P.KOTTAICHAMY,
Government Advocate(Crl.side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.24 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 420 of IPC, in Crime No.24 of 2023, seeks
anticipatory bail.



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2.The case of the prosecution is that the petitioner is working as Assistant Engineer, Agricultural Department, Palayankottai. A2 is the Manager of Tractor Company, namely, 'Abi Traders'. The petitioner induced the defacto complainant to purchase Tractor under subsidy scheme provided by the Government. On believing his word, at the instance of the petitioner, the defacto complainant paid a sum of Rs.4,50,000/- to the account of Abi Motors, ICICI Bank on 13.09.2021. Even though, the Tractor was not delivered to the defacto complainant. Thereafter, he came to know that A2 delivered the Tractor to A3 at the instance of the petitioner. Hence, the defacto complainant made a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the petitioner, without prejudice to his rights, is ready to hand over the Tractor to the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the investigation is still pending. Hence, he vehemently, opposed to



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grant anticipatory bail to the petitioner.

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5. Considering the facts and circumstances of the case and also considering the undertaking given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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.I, Tirunelveli District, 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 three weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) as per the undertaking given by the petitioner, the petitioner shall hand over the Tractor to the defacto complainant directly and produce the



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acknowledgement/proof before the trial Court at the time of furnishing sureties;

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(c) the sureties shall affix his 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 his identity;

(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;

(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 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;



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

sd/-
01/02/2024

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/02/2024

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

DSS

TO

1. THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3.THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-1322[I] dated
01/02/2024)

ORDER
IN

CRL OP(MD) No.23553 of 2023
Date :01/02/2024

RK/VR (06/02/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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