



CRL OP(MD). No.8859 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04/06/2026

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THE HONOURABLE MR. JUSTICE P. DHANABAL

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Rakesh

... Petitioner/ Accused No.1

Vs

State of Tamilnadu Rep by,
The Insector of Police,
Thallakulam Police Station,
Madurai.

Crime No.111 of 2020. ... Respondent/Complainant

PRAYER :-

To enlarge the petitioner on bail in the event of his arrest in connection with C.C.No.171 of 2024 on the file of the Judicial Magistrate II Court, Madurai.

For Petitioner : A Vadivel,
Advocate.

For Respondent : Mr.N.Balasubramanian,
Government Advocate (Crl.Side)

For Intervener : Mr.Niranjan S.Kumar

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the



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respondent for the offences punishable under Sections 406 & 420 of IPC, in Crime No.111 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.01.2019, the petitioner received a sum of Rs.21 lakhs from the defacto complainant for construction of work in 5 ½ cents at Johnkit Nagar, Madurai District. Thereafter, on 13.06.2019, the said house was executed to the third party. When the same was questioned by the defacto complainant, the accused abused him in filthy language and threatened him with dire consequences. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he was falsely implicated in this case and he has no way connected in the above said incident. He would further submit that no one given such a huge amount before execution of sale deed. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner cheated the amount of Rs.21 lakhs from the defacto complainant by giving a false promise that he would construct a house



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for him. After completion of investigation, charge sheet was filed and the same was taken on file in C.C.No.171 of 2024 and absconding charge sheet was filed against the petitioner before the learned Judicial Magistrate No.II, Madurai. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the Intervener would submit that the petitioner received a sum of Rs.21 lakhs from the defacto complainant for construction of work in 5 ½ cents at Johnkit Nagar, Madurai District and thereafter, he sold the house to the third party. Thereby cheated the defacto complainant. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Considering the rival submissions on either side and the nature of offences charged against the petitioner, and the alleged occurrence took place in the year 2019 and thereafter, sofar the respondent police



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has not taken any steps to secure the accused and the investigation was completed and charge sheet was also filed and absconding charge sheet was filed against the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] 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 on which the order copy made ready, before the learned **Judicial Magistrate No.II Court, Madurai**, 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 learned Judicial Magistrate concerned and on further conditions that:

[b] the petitioner shall report before the respondent police, daily at 10.30 a.m until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.



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[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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P. DHANABAL,J

dss

To

- 1.The Judicial Magistrate No.II Court, Madurai.
- 2.The Inspector of Police,
Thallakulam Police Station, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
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Date : 04/06/2026
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