

In the Court of the Vacation Sessions Judge, Theni.

Present: Thiru. P. Ganesan, B.A., B.L., D.L.L.,
Vacation Sessions Judge, Theni,

Dated this the 22nd day of May 2024

CrI.M.P.No.100/2024

CNR.No.TNTH00-0000143-2024

Murugesan

... Petitioner/Accused

-Versus-

State through the Inspector of Police,

Periyakulam P. S. in

Cr.No.86/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Tr.P.Chandrasekaran, Learned Counsel for the petitioner and Thiru.N.Solaiappan for the intervener/defacto complainant (Party in Person) and the Learned Public Prosecutor for the State and this Court passed the following:

ORDER

This petition has been filed by the petitioner/accused U/s.438 of Code of Criminal Procedure seeking anticipatory bail.

2. The Nitty-Gritty of the prosecution case is as follows:

The petitioner obtained Rs.24,00,000 (Twenty four lakhs) from the complainant by cheating him. For the said amount the petitioner issued three cheques in favour of the complainant, which already dishonoured. Based on which, STC.No.330/2023 is filed and pending before Learned Judicial Magistrate Court at Periyakulam. Therefore the case registered against the petitioner U/s. 406 and 420 of IPC.

3. Heard both sides.

4. The points for determination is that can anticipatory bail be granted to the petitioner?

Answer :

5. The FIR and records are perused. On perusal of FIR, it came to light that for dishonour of 3 cheques, STC.No.330/2023 is pending on the file of Judicial Magistrate Court, Periyakulam. For the same reason, the present FIR is filed against the petitioner. Having considered the above ground and circumstances of the case, I inclined to release the petitioner on anticipatory bail with condition.

6. Therefore it is ordered that in the event of his arrest by the Respondent or on his surrender before the Learned Judicial Magistrate at Periyakulam, within 15 days from the date of this order, he shall be released on anticipatory bail on his executing a bond for sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum. Following conditions are imposed on the petitioner :-

i) The petitioner shall appear before the SHO Periyakulam Police Station daily at 10.00 a.m., for the period of 30 days from the date of his release on bail.

ii) The petitioner shall not tamper with evidence or witnesses either during the investigation or trial.

iii) The petitioner shall not abscond either during the investigation or trial.

7. 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 laid down by the Hon'ble Supreme Court in P.K.Shaji – Vs- State of Kerala (2005) AIR SCW 5560).

..3..

8. If the petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me in open Court on this the 22nd day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to:

The Judicial Magistrate, Periyakulam

The Public Prosecutor, Theni.

The Petitioner's through his Counsel.

The Inspector of Police, Periyakulam