



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

Tuesday, the Tenth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP(MD) No.12244 of 2013

WEB COPY

VIJAYARAJA ASARI

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

STATE.REP.BY
THE INSPECTOR OF POLICE
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.
CR. NO. 202/2013.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.KRISHAN, for M/S.K.J.ASSOCIATES Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.202 of 2013, on the file of the respondent police for offence under Sections 420 & 506 (i) IPC, the petitioner is now before this Court seeking Anticipatory Bail.

2. Initially the matter was referred to Mediation centre, where the petitioner seems to have agreed to pay a sum of Rs.4 lakhs to the defacto complainant. It is admitted by the respondent police also that the petitioner has so far paid Rs.2,20,000/- during mediation. The petitioner also undertakes to pay the balance amount during the course of the trial. The allegation against the petitioner is that he had engaged the services of the defacto complainant for sculpting statues in a temple where the petitioner had obtained a contract.

3. It is seen that the petitioner and the defacto complainant have entered into an agreement in the month of October 2011 where they have reduced the terms into writing. Thus the dispute essentially appears to be contractual. Hence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

<https://hcservices.courts.gov.in/hcservices/>
4. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance before the learned Judicial



Magistrate, Ambasamudram on executing a separate 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) the petitioner shall report before the respondent police as and when required for interrogation.

(b) The petitioner shall report before the respondent police as and when required for interrogation.

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

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

[e] 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].

sd/-
10/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, AMBASAMUDRAM.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
AMBASAMUDRAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.J.ASSOCIATES Advocate SR.No.6315
ORDER
IN
CRL OP(MD) No.12244 of 2013
Date :10/02/2015

PA/12.02.15/2P/6C