



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

Monday, the Twenty Fifth day of July Two Thousand Sixteen

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PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.12469 of 2016

1 M.SHANMUGAVEL

2 S.SHANMUGAVALLI

... PETITIONERS/ACCUSED 1&2

Vs

STATE REP BY

THE SUB INSPECTOR OF POLICE

ILLANCEHMBOOR POLICE STATION,

RAMANATHAPURAM DISTRICT.

(In Crime No.66 of 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.VENKATESWARAN Advocate

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

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

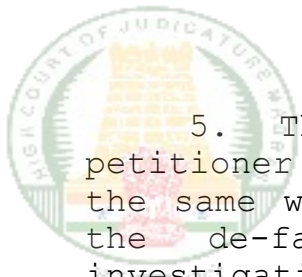
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 323 and 506(i) of I.P.c., in Crime No.66 of 2015, on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the petitioners borrowed a sum of Rs.1 lakh from the de-facto complainant and did not return the amount and when the same was demanded by the de-facto complainant, the petitioners abused her in filthy language and threatened her with dire consequences and on complaint, a case in Crime No.66 of 2015 has been registered for the aforesaid offences.

3. The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.

4. The learned counsel for the petitioners submitted that the entire amount was repaid together with interest.



5. The learned Government Advocate (Crl.Side) that the petitioner borrowed amount from the de-facto complainant and when the same was demanded by the de-facto complainant, they threatened the de-facto complainant with dire consequences and the investigation is pending.

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6. Considering the nature of allegation, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Mudukulathur, on condition that each of the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

7. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
25/07/2016

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

TO
1 THE JUDICIAL MAGISTRATE
MUDUKULATHUR

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT



3 THE SUB INSPECTOR OF POLICE
ILLANCEHMBOOR POLICE STATION, RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S R.VENKATESWARAN Advocate SR.No.12469

ORDER
IN
CRL OP (MD) No.12469 of 2016
Date :25/07/2016

akv

SH/SK-SKN:28.07.2016:3P/6C