



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

Tuesday, the Second day of August Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.13600 of 2016

PATTURAJ

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KALIDAIKURICHI POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO.117/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S R.ALAGUMANI Advocate

For Respondent : Mr.P.Kannithevan Govt. Advocate (Crl. Side)

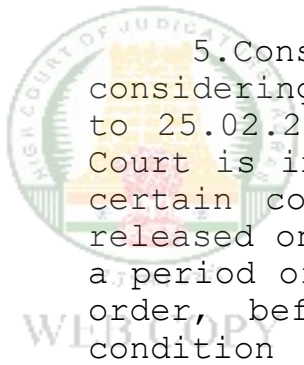
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(ii) and 420 IPC, in Crime No.117 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the de facto complainant is a broker and he used to purchase rice for the petitioner and another accused person and get commission from them. For the period from 10.01.2014 to 25.02.2014, the petitioner and another accused person purchased rice through the de facto complainant. For that, the commission amount of Rs.2,18,216/- was not given to the de facto complainant. When the same was demanded by the de facto complainant, the petitioner and another accused person abused him in filthy language and threatened him with dire consequences. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner did not purchase any rice through the de facto complainant and he used to purchase rice only from Andhra Pradesh. The de facto complainant gave a complaint on 19.08.2014 before the respondent police and the petitioner appeared before the respondent police for several times for enquiry and the de facto complainant failed to appear for enquiry and he compelled the respondent to arrest and torture the petitioner without following the due process of law and the de facto complainant has given criminal colour to the civil dispute.



5.Considering the facts and circumstances of the case and also considering the fact that the occurrence tookplace from 10.01.2014 to 25.02.2014 and the FIR was registered only on 22.07.2016, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Ambasamudram, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner 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 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]**.

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

sd/-

02/08/2016

/ TRUE COPY /

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

TO

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

+1. CC to M/S R.ALAGUMANI Advocate SR.No.41706

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