



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

Friday, the Nineteenth day of August Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.15154 of 2016

PANDIARAJ,

... PETITIONER / SOLE ACCUSED

Vs

The State rep.by
THE INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION, THENI DISTRICT
CR NO. 333 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S B.JEYAKUMAR 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 :-

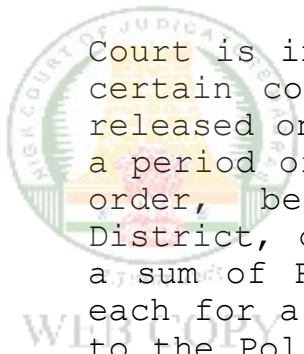
The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406, 420 and 506(i) IPC, in Crime No.333 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the brother of the de facto complainant. According to the de facto complainant, the petitioner was running a chit in the locality and the de facto complainant also joined in a monthly scheme and paid monthly chit. On maturity, the petitioner did not repay the amount. When the de facto complainant demanded the amount, the petitioner 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 the own brother of the de facto complainant and there is a family dispute with regard to partition of ancestral property and also jewels of their parents. The de facto complainant gave a complaint in the year 2015 and the same was enquired into and thereafter was closed. The de facto complainant was running the entire business transaction and chit transaction. The petitioner was working as a Manager and Supervisor in the chit transaction run by the de facto complainant, pending family partition. After the demise of their parents, the de facto complainant took all the jewels and when the same was demanded by the petitioner, a false complaint has been given.

4.The learned Government Advocate (Criminal side) submitted that on the complaint given by the de facto complainant, a case has been registered and investigation is pending.

5.Considering the facts and circumstances of the case and also considering the nature of allegations and also the close relationship between the petitioner and de facto complainant, 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, Theni, Theni District, 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. for a period of two weeks and thereafter as and when required for interrogation.
- (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/-
19/08/2016

/ TRUE COPY /

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

TO

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

+1. CC to M/S B.JEYAKUMAR Advocate SR.No.46032
sm:SK-SKN:SAR III:23.08.2016:2P/6C

ORDER
IN
CRL OP(MD) No.15154 of 2016
Date :19/08/2016