



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

Tuesday, the Fifteenth day of November Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20631 of 2016

1 R.PANDI

2 P.VANI

... PETITIONERS/ACCUSED

(RANK NOT KNOWN)

Vs

THE STATE BY

THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION,
DINDIGUL DISTRICT.

(CRIME NO.NOT KNOWN OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENAKTESH Advocate

For Respondent : Mrs.S.PRABHA, Government Advocate, (Crl.side)

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

ORDER : The Court Made the following order :-

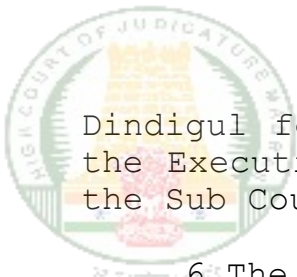
Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 420 and 506 (i) IPC in Crime No.775 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel on either side.

3.The case of the prosecution is that the petitioners borrowed a sum of Rs.25,00,000/- from the defacto complainant on various occasions and agreed to repay the same. When the defacto complainant insisted for repayment, the petitioners scolded the defacto complainant with filthy language and threatened him with dire consequences.

4.Learned counsel for the petitioner submitted that the petitioner is innocent and that a false case is foisted against him.

5.Learned Government Advocate (Crl. Side) submitted that the petitioners have not given a penny amount to the defacto complainant and in order to recover the same, the defacto complainant has filed a suit in O.S.No.352 of 2011 before the Additional Sub Court,



Dindigul for recovery of money and obtained an ex-parte decree and the Execution Proceeding is also pending in E.P.No.4 of 2015 before the Sub Court, Palani.

6.The learned counsel for the petitioners filed an affidavit that the petitioners are ready to deposit a sum of Rs.1,50,000/- to the credit of this case, without prejudice to their contentions.

7.Taking note of the facts and circumstances of the case and also taking note of the fact that the petitioners have agreed to deposit a sum of Rs.1,50,000/- and also filed an affidavit to that effect, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Palani, subject to the following conditions:

(i) 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 the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) the petitioners as agreed shall deposit a sum of **Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the credit of Crime No.775 of 2016, without prejudice to their rights**, within a period of two weeks from the date on which a copy of this order is made ready;

(iii) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioners shall not abscond either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the 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 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/-

15/11/2016



TO

1 THE JUDICIAL MAGISTRATE
PALANI

2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE SUB COURT, PALANI

4 THE ADDITIONAL SUB COURT, DINDIGUL

5 THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to M/S.D.VENAKTESH Advocate SR.No.69711

ORDER

IN

CRL OP (MD) No.20631 of 2016

Date :15/11/2016

ps

SH/KM/AR-CS-II:23.11.2016:3P/8C