



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

Thursday, the Twenty Third day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.16102 of 2017

SURESHKUMAR

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT ,
CRIME NO.358/2017

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.PITCHAI MUTHU Advocate

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for offences punishable under Sections 448, 420, 380 and 506(ii) of IPC in Crime No.358 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had paid a sum of Rs.2,00,000/- for lease. Apart from the above, he has given another sum of Rs.1,14,971/- and Rs.70,000/- to the petitioner for his personal needs. Admittedly, this occurrence happened on 21.1.2017, the defacto complainant asked the repayment of the borrowed amount, thereby, the petitioner refused to return the amount and he threatened the defacto complainant/tenant to vacate the house without returning the lease amount. However, the complaint is filed on 16.11.2017.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner received a sum of Rs.20,000 from the defacto complainant as advance amount and the monthly rent is Rs.4,000/-. Initially, he paid three months rent, thereafter, he did not paid the balance rental amount. After five months, the petitioner demanded balance rental amount, thereby the defacto complainant filed a false



complaint before the respondent police. Thereafter, the defacto complainant vacated the house and the petitioner has taken all household articles. Due to wreck vengeance, the defacto complainant filed a false complaint against the petitioner, after a lapse of 10 months.

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4. The learned Government Advocate (Crl.side) appearing for the State would submit that he did not dispute the facts of the case submitted by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), I am 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 District Munsif-cum-Judicial Magistrate, Papanasam, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 appear before the respondent police 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) the petitioner shall not commit any offence while on bail;
- (v) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
23/11/2017

/ TRUE COPY /

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

TO

1 THE DISTRICT MUNSIF CUM
<https://hcservices.ecourts.gov.in/hcservices/>
JUDICIAL MAGISTRATE, PAPANASAM,
THANJAVUR DISTRICT



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT

3 THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT ,

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

+1. CC to Mr.M.PITCHAI MUTHU Advocate SR.No.35006

JAM/30/11.17/PM-PN/SAR 1/ 3P-6C

ORDER
IN
CRL OP(MD) No.16102 of 2017
Date :23/11/2017