



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

Friday, the Twenty First day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22693 of 2018

1.SIVAJI

2 S. MAHALAKSHMI

... PETITIONERS / ACCUSED NOS.1 AND 2

Vs

STATE REPRESENTED THROUGH
THE SUB INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
THENI DISTRICT.

(IN CRIME NO. 548 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioners : MR.D.SADIQ RAJA Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 379 I.P.C. in Crime No.548 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the *de facto* complainant was running a shop in the name and style of Diamond Fencing. The second petitioner is the wife of the first petitioner. The first petitioner purchased articles from the above said shop and issued a cheque to the shop owner and subsequently, the cheque was dishonoured. It is further alleged that the first petitioner did not repay the amount. When the *de facto* complainant asked the first petitioner to repay the said amount, both the petitioners attacked the *de facto* complainant and abused him with filthy language. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offences as alleged by the prosecution and they have been falsely implicated in this case.



4. Heard the learned Government Advocate (Crl.side) appearing for the respondent.

5. Taking into consideration the facts of the case and the submissions made by learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners 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, Periyakulam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall appear before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
PERIYAKULAM.

<https://hcservices.ecourts.gov.in/hcservices/>

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



3. THE SUB INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
THENI DISTRICT.

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

+1. CC to MR.D.SADIQ RAJA Advocate SR.No.23942

ORDER
IN
CRL OP (MD) No.22693 of 2018
Date :21/12/2018

AE/PN-AC/SAR3/28.12.2018/3P/6C