



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

Friday, the Eighth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2074 of 2019

1 SOLAIAPPAN

2 SUNDARI

... PETITIONERS / ACCUSED 2 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.54/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.GANAPATHY SUBRAMANIAN Advocate

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

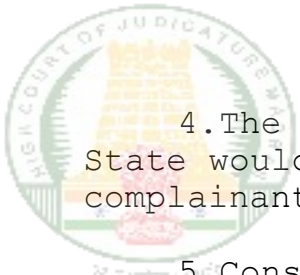
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 406, 420, 294(b), 506(ii) IPC, in Cr.No.54 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 is working under the defacto complainant and request him to give a sum of Rs.50,000/- to him as loan basis. The defacto complainant in alternate of that given 5 sovereigns of gold bangles which was belongs to his wife on the basis of the assurance given by the petitioners. While, the defacto complainant demanded them to return the bangles, they abused him in filthy language and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. There was a employer-employee dispute between them. Accordingly, he prayed for anticipatory bail.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioners are employees of the defacto complainant.

5.Considering the facts and circumstances of this case and considering the fact that it is a dispute between the employer and employee, 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, Thirumangalam, Madurai District, 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 learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/02/2019

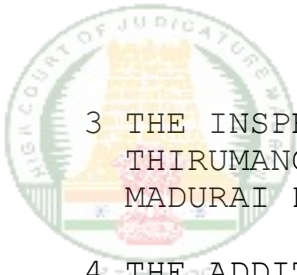
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



3 THE INSPECTOR OF POLICE
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.V.GANAPATHY SUBRAMANIAN Advocate SR.No. 2629

ORDER

IN

CRL OP (MD) No.2074 of 2019

Date :08/02/2019

JM/PN/SAR 4/12.02.2019/3P/6C