



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

Thursday, the Twenty Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3132 of 2019

1 SHYAM SUNDAR

2 SHANKAR @ SHANKARANARAYANAN

... PETITIONERS / ACCUSED 1 & 4

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
S.S.COLONY POLICE STATION,
MADURAI CITY
(CRIME NO.63/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.POORNACHANDRAN Advocate

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

For Intervener : MR.N.ANANTHAPADMANABAN, Advocate

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, 147, 294(b), 323, 506(ii) IPC and Section 3 of the Tamilnadu Public Property (Prevention of Damage and Loss) Act 1992, in Cr.No.63 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that petitioners by creating interest in the share market, collected a sum of Rs.78,000/- from the defacto complainant. When the defacto complainant came to know that the accused persons committed fraud, he questioned the same. At that time, the accused persons came to him home and criminally intimidated and also caused damages and refused to repay the amount and also threatened the defacto complainant.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Further, he



submits that there are allegations against A1. However, on instructions, he would submit that he not press this petition in respect of A1 and since there is no allegation against A4, he prayed for anticipatory bail for A4.

4.The learned counsel for intervenor would submit that A1 and A4 both accompanied with each other threatened the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the State has not disputed the fact.

6.Considering the facts and circumstances of this case and since the A1 first petitioner is having serious allegations, this Court is not inclined to grant anticipatory bail to the first petitioner. Since there is no serious allegations against the second petitioner, this Court inclined to grant anticipatory bail to the second petitioner. Accordingly, the second second 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 No.V, Madurai, on condition that the second 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

(c)the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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]**; and;

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



6. Accordingly, this criminal original petition is dismissed in respect of first petitioner.

sd/-
28/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO V
MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI
- 3 THE INSPECTOR OF POLICE
S.S.COLONY POLICE STATION,
MADURAI CITY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1. CC to MR.S.POORNACHANDRAN Advocate SR.No.3963
+1. CC to MR.N.ANANTHAPADMANABAN, Advocate SR.No.4009

ORDER
IN
CRL OP(MD) No.3132 of 2019
Date :28/02/2019

MSI/PN/SAR 4/06.03.2019/3P-7C