



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.332 of 2019

SEEMONNE AJITH

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.98 OF 20180

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.JEGADEESWARAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the offences under Sections 406 and 420 of IPC in Crime No.98 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a fisher man and for his urgent need had borrowed a loan from the *de facto* complainant for which he had issued a cheque for Rs.7,00,000/- and the petitioner's father had also executed a mortgage deed for the same. Admittedly, loan was offered during the month of November 2018. For non-payment of the loan amount, the present petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner is a law abiding citizen and he is ready to cooperate with the investigation agency and also would comply with the conditions imposed by this Court.

4. Learned Government Advocate (Crl., side) would vehemently object the grant of anticipatory bail to the petitioner.

5. Taking into consideration the submissions made by the learned counsel appearing on either sides, this Court is inclined to grant anticipatory bail to the petitioner.



6. 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 Judicial Magistrate, Rameswaram, Ramanathapuram District on condition that the 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

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

[d] the 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 petitioner in accordance with law as if the conditions have been imposed and the 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]**.

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

sd/-

22/01/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE
RAMESWARAM, RAMANATHAPURAM DISTRICT.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
 - 3 THE INSPECTOR OF POLICE
PAMBAN POLICE STATION, RAMANATHAPURAM DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.R.JEGADEESWARAN Advocate SR.No.1182
PS/JC/SAR-3/06.02.2019/2P/6C

ORDER

IN

CRL OP (MD) No.332 of 2019

Date :22/01/2019