



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

Monday, the Eighteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.4014 & 4015 of 2019

A.JUSTIN DRAVIAM

... PETITIONER / ACCUSED
in both petitions

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KALAIYAR KOVIL POLICE STATION,
SIVAGANGAI DISTRICT.

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

(CRIME NO.81/2019)
(CRIME NO.82/2019)

... IN CRL OP(MD).NO.4014 OF 2019
... IN CRL OP(MD).NO.4015 OF 2019

For Petitioner : MR. P. BALAMURUGAN Advocate
IN BOTH PETITIONS

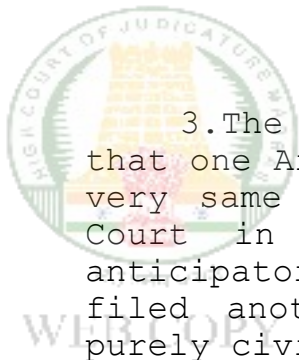
For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

The petitioner who is apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 506 (ii) and 420 of IPC in Crime No. 81 of 2019 and for offences under Sections 294(b), 447 and 506(ii) of IPC in Crime No. 82 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant in the above crime numbers lodged a complaint against the petitioner as if the petitioner is said to have borrowed Rs.4,00,000/- from the defacto complainant for his family expenses , however the said amount was not repaid. Hence the defacto complainant filed a complaint before the respondent police.



3.The learned counsel appearing for the petitioner would submit that one Arockia Sebastian had already filed a complaint before the very same police station in which the petitioner approached this Court in CrI.O.P(MD) No. 14512 of 2018, this Court granted anticipatory bail for the very same allegations and again he has filed another complaint before the respondent police, which is purely civil dispute

4.The learned Government Advocate(Crl.side) appearing for the respondent police did not dispute the fact submitted by the learned counsel for the petitioner.

5.Considering the facts and circumstances and considering the fact that it is allegedly a civil dispute, this Court is inclined to grant anticipatory bail to the petitioner. 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, Sivagangai 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 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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]**; and;

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

sd/-
18/03/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
SIVAGANGAI.

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

3. THE INSPECTOR OF POLICE,
KALAIYAR KOVIL POLICE STATION,
SIVAGANGAI DISTRICT.

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

+2ccs to MR.P.BALAMURUGAN, Advocate in SR.No. 5124,5125

ORDER
IN
CRL OP (MD) Nos.4014 & 4015 of 2019
Date :18/03/2019

aav
AE/PN/SAR-II/22.03.2019/3P/7C