



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

Wednesday, the Sixth day of February Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

**CRL OP (MD) No.19114 of 2018**

ESAKKI MUTHU

... PETITIONER / ACCUSED No.5

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
VIRUDHUNAGAR WEST POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
(CRIME NO.720 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.BALAJI 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 :-

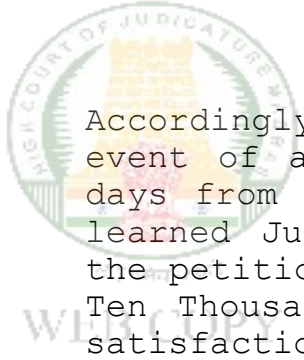
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 419, 420, 465, 467, 468, 471 and 34 IPC in Cr.No.720 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution is that the accused Nos.1 to 4 availed loan from the defacto complainant mentioned the petitioner as guarantor. Since the accused did not repay the said amount, the defacto complainant lodged a complaint before the respondent police implicated the petitioner as accused.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the respondent State would submit that investigation is pending.

5.Considering the facts and circumstances of the case and also considering the petitioner he was mentioned as guarantor only, 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 No.I, Virudhunagar, 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 his photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am., until further order ;

(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 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/-  
06/02/2019

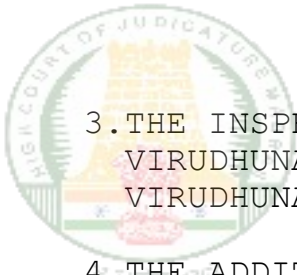
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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I,  
VIRUDHUNAGAR

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,  
<https://hcservices.ecourts.gov.in/hcservices/>  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



3. THE INSPECTOR OF POLICE  
VIRUDHUNAGAR WEST POLICE STATION,  
VIRUDHUNAGAR DISTRICT

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

+1. CC to MR.A.BALAJI Advocate SR.No.2505

ORDER  
IN  
CRL OP(MD) No.19114 of 2018  
Date :06/02/2019

AE/JC/SAR2/13.02.2019/3P/6C