



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

Monday, the Eleventh day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

WEB COPY

CRL OP(MD) No.22387 of 2018

1 KRISHNARAJU
2 RAMACHANDRAN

... PETITIONERS / ACCUSED
NO.1 & 2

Vs

1 STATE REP.BY
THE SUB INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.NOT KNOWN OF 2018

2 K.MAHALAKSHMI ... RESPONDENT / DEFACTO COMPLAINANT

For Petitioners: Mr.A.HAJA MOHIDEEN, 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 are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 354, 420 and 506(i) IPC and Section 4 of Tamil Nadu Prevention of Women Harassment Act, in Cr.No.Not Known of 2018, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the second respondent / defacto complainant requested the first petitioner for preparing plan for construction of her new house and paid a sum of Rs.22,000/- to him. However, the first petitioner neither make any arrangements for construction and nor repaid the said amount.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. He would further submit that the building plan and other reports were made ready and the same are produced before this Court and hence, he would pray for anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the second petitioner is not an accused in this case. He would further submit that investigation is pending.



5. At this juncture, the learned counsel appearing for the petitioner would submit that he has given up this petition in respect of the second petitioner.

6. The learned Government Advocate (Crl. side) shall receive the building plan and other reports and shall hand over the same to the defacto complainant.

7. Considering facts and circumstances of the case and considering the fact that building plan and other reports were made ready, this Court is inclined to grant anticipatory bail to the first petitioner.

8. Accordingly, the first 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, Paramakudi, on condition that the first 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 first 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 first petitioner shall report before the respondent police as and when required;

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

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

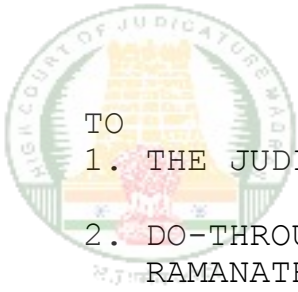
(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/02/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, PARAMAKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUB INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.A.HAJA MOHIDEEN Advocate SR.No.2843

ORDER

IN

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Date :11/02/2019

MS/PN/SAR-4/15.02.2019/3P.6C