



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

Wednesday, the Second day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22747 of 2018

G.CHANDRABOSE

... PETITIONER / 2nd ACCUSED

Vs

THE STATE REPRESENTED THROUGH
THE SUB INSPECTOR OF POLICE,
PALANICHETTIPATTI POLICE STATION,
THENI DISTRICT.
(CRIME.NO.817/2014)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.R.PRITHIVIRAJ 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 :-

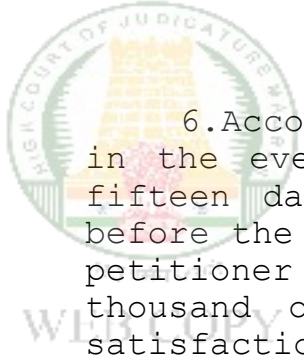
The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Section 147, 294 (b), 448, 427 and 379 (N.P.) of IPC and Sections 3 and 4 of Tamilnadu Prohibition of Exorbitant Interest Act r/w 309 and 109 of IPC in Cr.No.817 of 2014 seeks anticipatory bail.

2.The case of the prosecution is that the accused persons seeking exorbitant interest and tried to steel the cow of the defacto complainant. They also scolded the defacto complainant in filthy language, thereby he along with his family tried to commit suicide. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged crime with an intention to cheat the petitioner.

4.The learned Government Advocate (Crl. Side) submits that totally there are six accused in this case. Accused Nos.2,4 & 5 were arrested in this case and released on bail by the learned Judicial Magistrate, Theni. Accused Nos.1 and 6 were granted anticipatory bail by the learned Principal District Judge, Theni. The petitioner is A2. He further submits that investigation almost over except the arrest of the accused and charge sheet yet to be filed.

5.Taking into consideration the facts of the case, 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, Theni, 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 fail 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/-

02/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, THENI.

2 THE CHIEF JUDICIAL MAGISTRATE, THENI.

3 THE SUB INSPECTOR OF POLICE,
PALANICHETTIPATTI POLICE STATION, THENI DISTRICT.

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

+1. CC to Mr.P.R.PRITHIVIRAJ Advocate SR.No.21
PS/JC/SAR-4/08.01.2019/2P/6C

ORDER

IN

CRL OP(MD) No.22747 of 2018

Date : 02/01/2019