



CRL OP(MD) . No.10550 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10550 of 2019

1.Santhakumar
2.Mani Nadar
3.Ayyanar
4.Ramya
5.Kalpana

... Petitioners/Accused 1-5

Vs

The State rep by
The Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District.
crime No.6 of 2019.

... Respondent/Complainant

For Petitioners : M/s.A.Sivasubramanian,
Advocate.

For Respondent : Mr.A.P.G.Ohmchairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Cr.No.6/2019 on the file of the
respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 120(B),
294(b), 323, 354, 406 and 506(ii) and Section 4 of Tamilnadu
Protection of Women Harassment Act, in Crime No.6 of 2019, seek
anticipatory bail.

2. Heard both sides.



3.The learned counsel appearing for the petitioners has submitted that due to money dispute, a false case has been registered against the petitioners. He further submitted that the petitioners are innocent persons and they have been falsely implicated in the above case. He further submitted that except the offence under Section 506(ii) of IPC and Section 4 of Tamil Nadu prohibition of Women Harassment Act, 2002, all other offences are bailable in nature. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that the investigation is still pending. Thus, he opposed this petition. However, he fairly conceded that no previous case is pending against the petitioners.

5.A perusal of the FIR shows that the defacto complainant has stated that the accused No.1 had borrowed a sum of Rs.3,00,000/- from the defacto complainant on 21.02.2018 and executed a promissory note. Subsequently when she demanded the said amount, the first accused refused to return the said amount and on 10.03.2019 at midnight all the accused persons went to her house and assaulted her. With regard to the same, she lodged a complaint on 11.03.2019 before the respondent police but, no action has been taken on the same and hence she filed a complaint before the learned Judicial Magistrate in the month of April 2019 and the same was forwarded to the respondent police under Section 156(3) Cr.P.C and based on the same, FIR was registered on 07.06.2019 under the aforesaid provisions. Further, a perusal of the FIR shows that the contention of the learned counsel for the petitioners that only for collecting debt amount, which was said to have been given by the defacto complainant to the first accused, the defacto complainant has lodged the aforesaid complaint appears to be an acceptable one. Hence, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Nilakottai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.



(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

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

sd/-
26/07/2019

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

TO

- 1.THE JUDICIAL MAGISTRATE, NILAKOTTAI.
- 2.THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NILAKOTTAI, DINDIGUL DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.SIVASUBRAMANIAN Advocate SR.No.12353

ORDER
IN
CRL OP(MD) No.10550 of 2019
Date :26/07/2019

vsg
TK/VR/SAR.2/07.08.2019/3P/6C