



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11477 of 2019

T. Vishnu, ... Petitioner/Accused No.II

Vs

The Inspector of Police,
Jaihindpuram Police Station,
Madurai District,
Cr No.373 of 2019. ... Respondent/Complainant

For Petitioner : M/s. C.M. Arumugam,
Advocate.

For Respondent : Ms.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No. 373 of 2019 on the file of the respondent police

ORDER : The Court Made the following order :-

The petitioner/2nd accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 365, 323, 506(i) of IPC, in Crime No.373 of 2019, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in the above case. He further submitted that the defacto complainant is the agent of battery motor bikes, hence, the petitioner and two others gave advance amounts to the defacto complainant. The petitioner received the bike and gave Rs.1,50,000/- to the defacto complainant; the first accused received



the bike and gave Rs.1,00,000/- to the defacto complainant and the third accused received the bike and gave Rs.2,00,000/- to the defacto complainant and thereafter, the first and third accused returned the bikes to the defacto complainant, but, the defacto complainant failed to repay the full amount. Like that, the petitioner also returned the bike and demanded repayment. The defacto complainant failed to repay the full amount and also gave a false complaint against the petitioner and therefore, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (criminal side) appearing for the respondent has submitted that the defacto complainant was abducted, from Madurai to Dindigul, by the petitioner and also obtained signatures in the empty pronotes and cheques and also assaulted him and hence, she strongly opposed for granting anticipatory bail to the petitioner.

5.In the FIR, it is stated that the defacto complainant has sold 5 battery bikes to the first accused by receiving Rs.1,00,000/- (Rupees one lakh only) and subsequently, the first accused has returned the said bike and demanded to return the amount, which was paid by him and hence, he paid Rs.70,000/- and for the balance amount, he has issued cheques and further the defacto complainant has admitted that he has to pay Rs.30,000/- to the first accused. Further, in the FIR it is stated that the petitioner herein have abducted the defacto complainant to Dindigul and obtained the signatures in blank stamp papers, cheques, but, he has not immediately lodged a complaint before the Dindigul Police Station and only before the respondent police at Madurai he lodged a complaint on 10.07.2019 at about 11.00 pm.

6.Taking into consideration of the fact that already the defacto complainant is liable to pay amount to the petitioner and also the conduct of the defacto complainant that he has not lodged the complaint immediately before the Dindigul Police Station, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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.IV, Madurai District, on condition that the petitioner 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 petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand



automatically cancelled.

(ii) the petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner 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 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].

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

sd/-
27/08/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV, MADURAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
3. THE INSPECTOR OF POLICE,
JAIHINDPURAM POLICE STATION,
MADURAI DISTRICT,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO MR.C.M.ARUMUGAM, Advocate Sr. No. 14294

ORDER IN
CRL OP(MD) No.11477 of 2019
Date : 27/08/2019