



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

Date : 05/03/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4138 of 2020

1. V.Syed Ali Fathima
2. Vijayakumar

... Petitioners 1 and 2/
Accused Number not known

Vs

State Represented by
The Inspector of Police,
Arupukkottai Police Station,
Virudhunagar District
(Crime No. Not known of 2020).

... Respondent/Complainant

For Petitioners : M/s.S.Sivaprakash,
Advocate.

For Respondent : S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

for Anticipatory Bail in Crime No. of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and
the learned Government Advocate(Crl. Side) appearing for the
respondent.

2.The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 406 &
420 of I.P.C., in Crime No.Not Known of 2020 on the file of the
respondent police, seek anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/> to the direction issued by the learned Judicial



Magistrate, Aruppukkottai, the respondent police cause notice to the petitioners herein to enquire about the complaint given by the defacto complainant against the petitioners. The petitioners have not responded to the summon. But had approached this Court for anticipatory bail.

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4.The allegation in the private complaint, which has been filed under Section 56(3) Cr.P.C., is that the petitioners herein have borrowed money from the complainant promising to repay it with interest. But failed to pay the principal and interest. When the defacto complainant demanded the money back, the petitioners have abused the defacto complainant with filthy language.

5.The learned Magistrate who forwarded the complainant for investigation, has rightly pointed out that preliminary enquiry shall be conducted and if there is material to take cognizance of any offence, shall registered a case and conducted investigation, in accordance with law.

6.In the said circumstances, since the petitioners have not co-operated for the preliminary enquiry, the respondent police is not able to comply with the direction of the Judicial Magistrate. Hence, it would suffice to direct the petitioners to appear before the respondent police on 12.03.2020 and participate in the enquiry. If there is any material to take cognizance, then the respondent police shall register a case and proceed, in accordance with law.

7.With the above observations, this criminal original petition is disposed of.

sd/-
05/03/2020

/ TRUE COPY /

/ /2020

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

TO

1. THE INSPECTOR OF POLICE,
ARUPUKKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.4138 of 2020
Date :05/03/2020

GNS

<https://hcservices.ecgovernance.gov.in/hcservices> 10/03/2020 : 2P/3C