



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/03/2020
PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4154 of 2020

C.Ezhilarasan @ Arasu

... Petitioner/Accused

Vs

The Sub Inspector of Police,
K.Pudur Police Station, Madurai
District (In Crime No.238 of 2020)

... Respondent/Complainant

For Petitioner : M/s.M.Sheik Abdullah,
Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

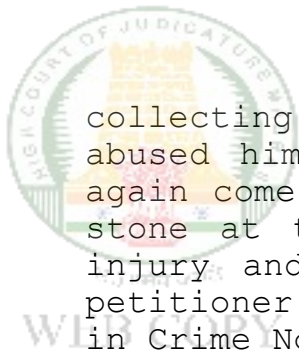
PRAYER :-

for Anticipatory Bail in Crime No.238 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323 and 506(1) of IPC, in Crime No.238 of 2020, on the file of the respondent of police, seeks anticipatory bail.

2.The petitioner herein is working as a collection agent in Sriram Chits Fund. On 26.02.2020, he went to the house of the de-facto complainant, who is a subscriber and defaulter in payment of loan amount and refund of chit amount. It appears that there was a scuffle between them. The de-facto complainant has given a complaint to the respondent police alleging that the petitioner herein along with five others came to the house of the de-facto complainant and returned the balance amount of the de-facto complainant and threatened him with dire consequences and attacked the de-facto complainant. Whereas, the petitioner herein has given a complaint on the very same day before the respondent police alleging that, when he went to the de-facto complainant's house for



collecting the overdue, the de-facto complainant and his mother abused him and threatened him with dire consequences, if he once again come to their house for collection, an unknown persons, threw stone at the petitioner, in which, the petitioner sustained head injury and got admitted in the hospital. The statement of the petitioner was recorded at the hospital and First Information Report in Crime No.237 of 2020 was registered.

3.The learned Additional Public Prosecutor would submit that it is a case in counter, wherein, both the complaints have been registered and under investigation.

4.From the reading of the First Information Report in Crime Nos.237 of 2020 and 238 of 2020, this Court finds that the petitioner herein as a collection agent, gone to the house of the de-facto complaint/Sathish and he has sustained head injury in the scuffle. Whereas, the de-facto complainant in Crime No.238 of 2020 has alleged that this petitioner used abusive language and threatened him. Since it appears to be a counter blast complaint, the petitioner's anticipatory bail is granted with certain conditions.

5.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 Judicial Magistrate No.VI, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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:

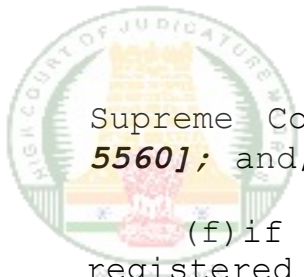
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the 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



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.

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

TO

1. THE JUDICIAL MAGISTRATE NO.VI, MADURAI
 2. DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE SUB INSPECTOR OF POLICE
K.PUDUR POLICE STATION,
MADURAI DISTRICT
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
- +1. CC to M/S.M.SHEIK ABDULLAH, Advocate, SR.No.10284

ORDER
IN
CRL OP(MD) No.4154 of 2020
Date :05/03/2020

ME/JC/SAR 2/11.03.2020/3P/6C