



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

Date : 17/06/2020

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PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP (MD) . No.6277 of 2020

Ramachandran

... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
Manavalakurichi Police Station,
Kanyakumari District
(In Crime No.93/2019)

... Respondent/Complainant

For Petitioner : M/s.C.Mayil Vahana Rajendran,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.93 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

2. The petitioner/A2 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406, 420 and 506(i) of IPC, in Crime No.93 of 2019, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner, who is arrayed as A2, along with A1 borrowed a sum of Rs.3,00,000/- from the de facto complainant. When the said amount was requested to



repay, the accused issued a cheque on 22.04.2019, the same was returned as 'Non CTS'. Hence, the complaint.

4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that in respect of the cheque in question, the civil dispute is pending before the Court. Hence, he prays for anticipatory bail in favour of the petitioner.

5. The learned Government Advocate (criminal side) appearing for the respondent State, on instructions, would submit that there is a civil dispute between the petitioner and the de-facto complainant. Based on the complaint given by the de-facto complainant, a FIR has been registered and the investigation is pending.

6. Considering the facts and circumstances of the case and also considering the fact that the civil dispute is pending between the parties, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

(i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Eraniel and on his executing 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 learned Magistrate concerned;

(ii) The petitioner shall appear before the respondent, as and when required, for interrogation.

(iii) 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]***; and

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

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.



8.The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
17/06/2020

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

TO

1. THE JUDICIAL MAGISTRATE,
ERANIAL.
2. DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
MANAVALAKURICHI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6277 of 2020
Date :17/06/2020

SKN/MPK
SRS/ JC/ SAR-II/ 18.06.2020/ 3P/5C