



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/06/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6331 of 2020

1. Vincy @ Jose Beaulavincy,
2. Arockiam

... Petitioners/Accused NO.2&3

Vs

The State rep. by
The Inspector of Police,
Thiruchendur Police Station,
In Crime
No.284/2019,
Tuticorin District.

... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 284 of 2019 on the file of
the respondent police

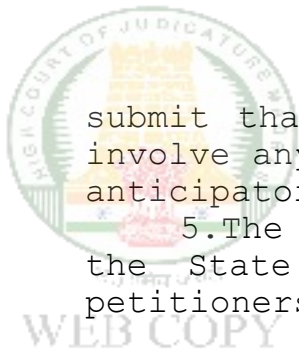
ORDER : The Court made the following order :-

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 and 120(b) of I.P.C., in Crime No.284 of 2019 on the file of the
respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the defacto complainant
entered into contract with accused for the purpose of maintaining
bus in the school. Initially, the defacto complainant filed
complaint before the Judicial Magistrate, Thiruchendur under Section
156(3) Cr.P.C. On the said complaint, the Judicial Magistrate,
Thiruchendure ordered further enquiry. Thereafter, the respondent
police registered FIR.

<https://hcservices.court.gov.in/hcservices/> 4.The learned counsel appearing for the petitioners would



submit that the petitioners are innocent persons and they did not involve any crime as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioners.

5.The learned Government Advocate (criminal side) appearing for the State strongly opposed to grant anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and considering the fact that the crime involved in this case is allegedly Civil in nature, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Tiruchendur and on their 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 petitioners shall appear before the respondent police as and when required, for the purpose of interrogation.

(iii) 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 themselves 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 petitioners 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 petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
18/06/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.
THOOTHUKKUDI DISTRICT.

2 -DO- THRO
THE CHEIF JUDICIAL MAGISTRATE,
THOOTHUKKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
THIRUCHENDUR POLICE STATION,
TUTICORIN DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6331 of 2020
Date :18/06/2020

PD/JC/SAR 2/19.06.2020/3P/5C