



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

Date : 22/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD) . No.6931 of 2020

WEB COPY

1. P.Kirubananda Thayanithi
2. Manimegalai ... Petitioners/A1 & A2

Vs

The State rep by its
Inspector of Police,
Bodi Town Police Station
Theni District.
Crime No.1935/2020.

... Respondent/Complainant

For Petitioner : M/s.P.Vijendran, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

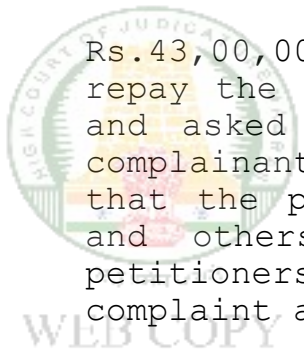
For Anticipatory Bail in Crime No.1935 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners are figuring as accused Nos.1 and 2 in Crime No.1935 of 2020, on the file of the respondent police for the offences punishable under Sections 364(A), 365, 387 and 506(ii) r/w 147 of I.P.C.

2.The case of the prosecution is that one Muthuvel who is the friend of the de-facto complainant, is said to have received a sum of Rs.43,00,000/- from A-1. When A-1 demanded money from Muthuvel, he failed to repay the same. Hence, these petitioners and other accused have abducted Muthuvel and thereafter, at the request of Muthuvel, the de-facto complainant has given an undertaking to the petitioner herein that he will repay the amount. In the above circumstances, the petitioners have threatened the de-facto complainant demanding money and also taken 13 sovereigns of jewels from the petitioner and thereafter, abducted and took him to some other place and criminally intimidated and thereafter, released him. Hence, the present complaint has been filed.

3.The learned counsel appearing for the petitioners would submit that one Muthuvel has borrowed money for a sum of



Rs.43,00,000/- from the petitioner/A-1 and thereafter, he failed to repay the said amount. Hence, the petitioners approached Muthuvel and asked for money. At that time, Muthuvel and the de-facto complainant promised to repay the amount. He would further submit that the petitioners have also given a complaint against Muthuvel and others and the same is still pending. Therefore, these petitioners have also approached this Court to register the complaint against Muthuvel.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioners abducted Muthuvel for the purpose of money and thereafter, they have also taken the de-facto complainant herein and received 13 sovereigns of jewels and also criminally intimidated him to repay the amount. He would further submit that the petitioners are notorious rowdy elements and the co-accused was arrested in this case.

5.On perusal of the records, it is seen that one Muthuvel received a huge amount of money from A-1. When the petitioners herein have demanded money from the de-facto complainant's friend-Muthuvel, he has said to have given an undertaking that he will repay the amount and subsequently failed to repay the amount that is why the present complaint has been filed. Now both the petitioners and Muthuvel are rescued.

6.Considering the facts and circumstances of the case and also considering the fact that it was only a _money dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodinayakanur, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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:

(a)the petitioners 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 petitioners shall report before the respondent police once in a week i.e., on every Monday at 10.30 a.m., until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

(f)if the petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/07/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. Judicial Magistrate, Bodinayakanur.
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Inspector of Police,
Bodi Town Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.6931 of 2020
Date : 22/07/2020

SMA/RSK/SAR-II/27/07/2020/3P/5C