



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7980 of 2020

1. N.Ashok

2. N.Govindaraj

... Petitioners/Accused No.1 & 2

Vs

State rep.by

The Inspector of Police,

Cantonment Police Station, Trichy City,

Trichy District

Crime No. 501 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Marshal,
Advocate.

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

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

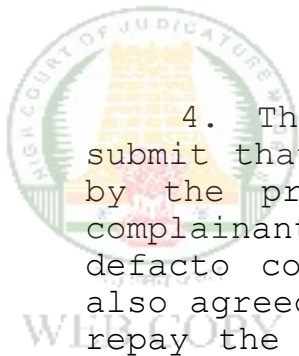
PRAYER :- For Anticipatory Bail in Crime No. 501 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners who are arrayed as accused Nos.1 & 2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 384 and 506(i) of I.P.C., in Crime No. 501 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there are existed money transaction dispute between the petitioners and the defacto complainant. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (criminal side).



4. The learned counsel appearing for the petitioners would submit that the petitions have not committed any offence as alleged by the prosecution. He would further submit that the defacto complainant has purchased crackers from the petitioners and the defacto complainant has already settled a sum of Rs.75 lakhs and also agreed to pay remaining amount of Rs.1,50,00,000/-and failed to repay the same. He would further submit that in order to prevent from the repayment, the defacto complainant has preferred a this false complaint as against the petitioners as if the petitioners said to have threatened the defacto complainant. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, submitted that there are several money transactions between the petitioners and the defacto complainant. He further submitted that there are several cases are pending against the defacto complainant in similar offence.

6. Considering the facts and circumstances of the case and also considering the fact that there is money dispute pending between the petitioners and the defacto complainant and the petitioners have also given a complaint against the defacto complainant the same is pending for investigation, and hence, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Trichy, 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 as and when required for interrogation.

(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



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

sd/-
31/07/2020

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/ /2020

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 THE JUDICIAL MAGISTRATE NO.II,
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION,
TRICHY CITY, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MARSHAL, Advocate (SR-5869[I] dated 03/08/2020)

ORDER
IN
CRL OP(MD) No.7980 of 2020
Date :31/07/2020

ksa
JM/VR/SAR 3/05.08.2020/3P/6C