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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD).No.8860 of 2020

Srinivasan @ R.Seenivasan

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
Cr.No.34 of 2019.

... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu
Senior Counsel
for Mr.K.Prabhu,
Advocate.

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

For Intervener : Mr.N.Mariappan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.34 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420 and 120(B) IPC, in Crime No.34 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there are totally six accused in this case. This petitioner is arrayed as A1. The allegation is that all the accused have purchased paddy through the defacto complainant for a sum of Rs.1,24,03,070/- and they have only paid a sum of Rs.1,00,18,070/- and the remaining amount of Rs.22,50,000/- have to be paid. Hence, based on the complaint given by the defacto complainant the case has been registered.



3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent and the learned counsel appearing for the intervener.

4. The learned counsel appearing for the petitioners submitted that now the matter has been settled between the parties and hence, he prayed for grant of anticipatory bail to the petitioner.

5. Mr. N. Marriappan, learned counsel appearing for the intervener/defacto complainant has admitted the submission made by the learned counsel appearing for the petitioner and stated that the matter has been settled between the parties amicably.

6. Considering the fact that it is a money dispute between the parties and the matter has been settled between the parties amicably, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. I, Tirunelveli, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs. 25,000/- (Rupees Twenty Five 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 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 accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

24/09/2020

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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. THE JUDICIAL MAGISTRATE No.I, TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.8860 of 2020
Date :24/09/2020

VSD
TE/VR/SAR-III : 28/09/2020 : 3P/5C