



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

Date : 12/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.9890 of 2020

Karna Maharaja ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Sellur Police Station,
Madurai District.
Crime No.2190/2020.

... Respondent/Complainant

For Petitioner : M/s.G.Karuppasamy Pandiyan,
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 Cr.No.2190 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is a sole accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 294(b), 506(i) of I.P.C., in Crime No.2190 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has borrowed a sum of Rs.4 lakhs for his urgent family expenses. Thereafter, the petitioner failed to repay the said amount and abused the defacto complainant using filthy language and also made life threat to him. Hence, the complaint.

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

4.The learned counsel appearing for the petitioner submitted
<https://hdsrvtcs.ecourt.gov.in/services> petitioner is an innocent person and he has been falsely



implicated in this case. He further submitted that according to the allegations raised by the prosecution are civil in nature. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that the petitioner has borrowed a sum of Rs.3 lakhs in which he repaid a sum of Rs.1,80,000/- and he has to pay only remaining amount of Rs.1,20,000/-.

6. It is seen from the records that the petitioner has borrowed a sum of Rs.3 lakhs from the defacto complainant in which part of the amount repaid and part of the amount not paid till date by the petitioner.

7. The learned counsel appearing for the petitioner undertakes that, now, the petitioner is ready and willing to pay the remaining amount of Rs.1,20,000/-.

8.Considering the fact and circumstances of the case and considering the undertaking given by the learned counsel appearing for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, 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 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;

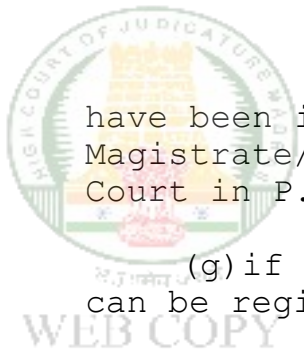
(b)the petitioner is directed to deposit a sum of Rs.1,20,000/- to the credit of Crime No.2190 of 2020 before the concerned Magistrate Court, within a period of six weeks, without prejudice his rights before the trial Court and on such contribution being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., without fail for a period of Two weeks and thereafter, as and when required for interrogation.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;

(g) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/10/2020

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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,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
SELLUR POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9890 of 2020
Date :12/10/2020

ksa
JM/PN/SAR III/15.10.2020/3P/5C