



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10117 of 2020

Sathyamoorthy

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District,
Crime No. 14 of 2020.

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan,
Advocate.

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

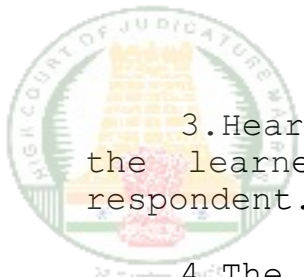
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No. 14 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is the sole Accused, apprehending arrest at the hands of the respondent police for the offences punishable under section 294(b), 341 and 506(i) of IPC r/w Section 4 of Tamilnadu Protection of Women Harassment Act, in Crime No.14 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is a president of one Association by name Nethaji Subash Chandraboss Welfare Association in Aranthangi, demanded a sum of Rs.2,00,000/- from the husband of the defacto complainant for the purpose of doing Multilevel Marketing business, the defacto complainant and her husband refused to give money, in which, the petitioner said to have criminally intimidated the defacto complainant and her husband. Hence, the Present Complaint.



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

4. The learned counsel appearing for the petitioner submitted that the husband of the defacto complainant has collected several crores of money from the general public without having any approval. When the same was questioned by the petitioner, the petitioner has been falsely implicated in this case. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that this is the second anticipatory application. Since the petitioner has demanded money from the husband of the defacto complainant and criminally intimidated them, the crime has been registered.

6. This is the second application. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that the petitioner said to have demanded money from the defacto complainant for the purpose of doing Multilevel Marketing business. Considering the above circumstance and the only allegation against the petitioner is that he has demanded money and criminally intimidated them and there is no other serious allegation against him, 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 Judicial Magistrate Court No.II, Thanjavur, 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;

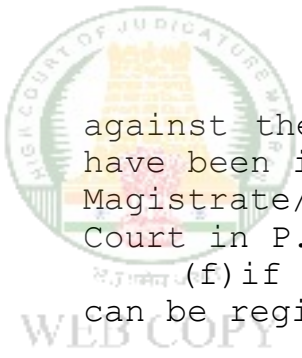
(b) the petitioner shall report before the respondent police as and when required for interrogation.

(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;

<https://hcservices.ecourts.gov.in/hcservices/>

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
 22/09/2020

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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.II, THANJAVUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
 THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
 THANJAVUR TALUK POLICE STATION,
 THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
 MADURAI BENCH OF MADRAS HIGH COURT,
 MADURAI.

ORDER
 IN
 CRL OP(MD) No.10117 of 2020
 Date :22/09/2020

VSG
 TE/VR/SAR-II : 25/09/2020 : 3P/5C