



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

Date : 11/11/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD) . No.12860 of 2020

1.N.Periyasamy
2.L.Nallan

... Petitioners/Accused No.1, 2

Vs

The Inspector of Police,
Ulagampatti Police Station
Sivagangai District
Crime No.44/2020.

... Respondent/Complainant

For Petitioner : Mr.V.Manikandan,
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. 44 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-1 & A-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b) and 420 of IPC, in Crime No.44 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have borrowed a sum of Rs.2 Lakhs from the defacto complainant on promissory note and they have failed to repay the aforesaid sum and cheated the defacto complainant. Hence, the case has been registered by the respondent police.

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



4.The learned counsel appearing for the petitioners submitted that the second petitioner/A2 is senior citizen who is father of the first petitioner/A1.He further submitted that they are innocent persons and they have been falsely implicated and they have not committed any offence as alleged by the prosecution. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that the petitioners said to have borrowed a sum of Rs.2 lakhs from the defacto complainant on promissory note. He further submitted that money dispute is pending between the parties.

6.Considering the fact and circumstances of the case and considering the money dispute is pending between the parties and the second petitioner is senior citizen who is aged about 76 years, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of Two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Singampunari, Sivagangai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 appear 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 5560]; and;



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

sd/-
11/11/2020

WEB COPY

/ TRUE COPY /

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

+1. CC to M/S.V.MANIKANDAN Advocate SR.No.7530

ORDER
IN
CRL OP(MD) No.12860 of 2020
Date :11/11/2020

KSA
PK/AKM/SAR-IV/20.11.2020 : 3P/6C