



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/12/2020

PRESENT

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

CRL OP(MD). No.14107 of 2020

1. Kanagaraj
2. Rajalakshmi

... Petitioners/Accused No.1 & 2

Vs

The State Rep. by
The Inspector of Police,
Musiri Police Station,
Trichy District.
Crime No.1735/2020

... Respondent/Complainant

For Petitioners: Mr.N.R.Balaji,
Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,
Government Advocate (Crl.Side)

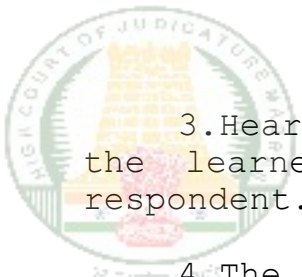
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For an Anticipatory Bail in Crime No.1735 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 323 and 506(ii) of IPC, in Crime No.1735 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant approached the petitioner and borrowed a sum of Rs.10 lakhs from the petitioners by giving pronote and cheques. Thereafter, the defacto complainant has given the said amount at that time the petitioners have not returned the pronote and cheques. On 04.09.2019, the petitioners went to the defacto complainant's office and said to have abused the defacto complainant by using filthy language and also threatened him with dire consequences. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioner.



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 entire transaction is civil in nature and no criminal offence has been made out against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the defacto complainant approached the petitioner and borrowed a sum of Rs.10 lakhs from the petitioners by giving pronote and cheques. Thereafter, the defacto complainant has given the said amount at that time the petitioners have not returned the pronote and cheques. On 04.09.2019, the petitioners went to the defacto complainant's office and said to have abused the defacto complainant by using filthy language and also threatened him with dire consequences

6. Considering the facts and circumstances of the case and also considering the fact that all the transactions are civil in nature and there is no specific overt act attributed as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioner shall file an undertaking affidavit that they will not initiate any action as against the defacto complainant in respect of borrowell of Rs.10 lakhs from the petitioners based on the documents, which were received at the time of borrowell before the respondent Police.

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, Musiri, 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 first petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation. Further, the second petitioner 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 5560]; and;

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

sd/-

04/12/2020

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

ORDER

IN

CRL OP(MD) No.14107 of 2020

Date : 04/12/2020