



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/12/2020

PRESENT

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

CRL OP(MD) . No.15150 of 2020

R.Mariyappan

... Petitioner/1st Accused

Vs

State: Represented by
The Inspector of Police,
Kovilpatti West Police Station,
Tuticorin District.
(Crime No.1192/2020).

... Respondent/Complainant

For Petitioner : Mr.B.Rajesh Saravanan,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

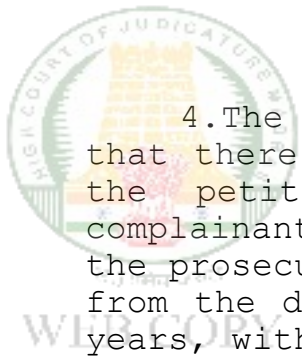
PRAYER :- For Anticipator Bail in Crime No.1192/2020 on the file of the Respondent Police.

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 294(b), 420 and 506(ii) of IPC, in Crime No.1192 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has given a sum of Rs.30,00,000/- to the petitioner for the development of his business. Thereafter, the petitioner has refused to return the same. Hence, the 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 there is no absolutely proved by the defacto complainant that the petitioner has received Rs.30,00,000/- from the defacto complainant. He further submitted that even according to the case of the prosecution, the petitioner has borrowed a sum of Rs.30,00,000/- from the defacto complainant before six years. After period of six years, without filing any suit for recovery of money, the petitioner simply has lodged the present complaint. It is purely civil in nature.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the defacto complainant has given a sum of Rs.30,00,000/- to the petitioner for the development of his business. Thereafter, the petitioner has refused to return the same.

6.It is seen from the records that the petitioner has received a sum of Rs.30 lakhs from the defacto complainant. It is seen from the FIR that there is no prove that the petitioner has received a sum of Rs.30,00,000/- from the defacto complainant.

7.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

8.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 Judicial Magistrate Court No.II, Kovilpatti, on condition that the petitioner shall execute 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/12/2020

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/ /2021

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, KOVILPATTI.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
TUTICORIN DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.15150 of 2020

Date :18/12/2020

vsg

AE/KV/SAR-IV (06/01/2021) 3P / 5C