



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

Date : 31/12/2020

PRESENT

The Hon`ble **Mr.Justice G.ILANGO VAN**

CRL OP(MD). No.16048 of 2020

Krishnaswamy @ Vairam

... Petitioner/Accused A1

Vs

State through,
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
In Crime No.676 of 2019.

... Respondent/Complainant

For Petitioner : Mr.J.William Christopher,
Advocate.

For Respondent : Mr.Seenivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory bail in Crime No.676 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420, 294(b) and 506(i) IPC., in Crime No.676 of 2019 on the file of the respondent police, seeks anticipatory bail.

3.The nature of the allegation is with reference to purchase of machine from one M/s.Karishna Traders run by the second accused, who was arrested and released on bail. Similarly, the third accused is also granted anticipatory bail by the learned Principal Sessions Judge, Srivilliputhur. According to the petitioner, he was acting only as a broker between the defacto complainant and the supplier, namely M/s.Krishna Traders. In respect of the allegation and the dispute between them, a suit in O.S.No.122 of 2019 was also filed by



the petitioner against the defacto complainant on the file of the District Munsif, Sivakasi. Since the main accused, namely A2 has been arrested and released on bail, the petitioner being a broker is also entitled to be released on bail.

4. In the view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the Judicial Magistrate Court No.1, Sivakasi, 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 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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;

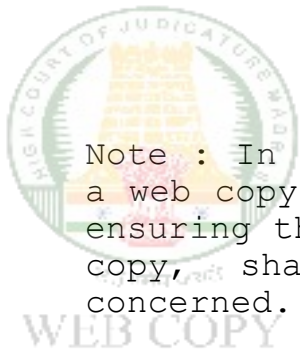
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

sd/-
31/12/2020

/ TRUE COPY /

/ /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.I, SIVAKASI.

2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.WILLIAM CHRISTOPHER, Advocate (SR-11[I] dated
04/01/2021)

ORDER
IN
CRL OP(MD) No.16048 of 2020
Date :31/12/2020

RMK/IAS
MS/VR/SAR-IV (05/01/2021) 3P / 6C