



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21136 of 2021

1 THIRUVENKATAMOORTHY
2 GOVINDAN
3 SHAKILA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
B1, TOWN POLICE STATION,
DHARMAPURI,
DHARMAPURI DISTRICT.
CRIME NO.1437 OF 2021.

[RESPONDENT]

For Petitioners : M/S.M.P.SURULIRAJAN, Advocate

For Respondent : MR.A.GOKULAKRISHNAN, Additional public Prosecutor

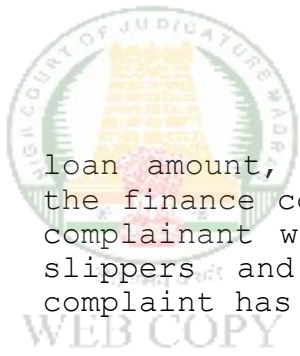
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conferencing)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 294(b), 324, 506(ii) of IPC in Crime No.1437 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the son of the second petitioner. The third petitioner is the wife of the first petitioner. The defacto complainant is running a finance company. The petitioners obtained loan from the defacto complainant. When the defacto complainant demanded the petitioners to repay the



loan amount, the petitioners along with 10 unknown persons went to the finance company of the defacto complainant and abused the defacto complainant with filthy language and assaulted him with weapons and slippers and threatened him with dire consequence. Hence, a complaint has been lodged by the defacto complainant.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they had nothing to do with the alleged offence. There is a money dispute between the petitioners and the defacto complainant. Due to which, the defacto complainant assaulted and threatened the petitioners with dire consequences. Hence, the 1st petitioner has given a complaint on 30.07.2020 against the defacto complainant and the same was registered as Crime No.7 of 2020 under Sections 342, 506(i) IPC r/w 4 of Tamil Nadu Prohibitant the Charging of Exorbitant Interest Act. Hence, he seeks anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor raised objections and submitted that, totally there are three accused involved in this case. There is a money transaction between the petitioners and the defacto complainant. Due to which, they abused the defacto complainant in filthy language and assaulted by weapons and slippers and also threatened him with dire consequences. He further submitted that, this case is civil in nature and there is no previous case against the petitioners. There is a case in counter case.

5.Considering the facts and circumstances of the case and taking note of the fact that there is a case in counter case and this case is civil in nature and also taking note of the fact that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Dharmapuri, on condition that each of the petitioners 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the first and second petitioners shall appear before the respondent police daily at 10.00 a.m., for a period of four weeks and thereafter, as and when required for interrogation.



(c) The third petitioner being a lady shall appear before the respondent police as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

-sd/-
10/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
B1, TOWN POLICE STATION,
DHARMAPURI, DHARMAPURI DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.P.SURULIRAJAN Advocate on payment of necessary
charges SR.NO.12609

CRL OP.21136/2021

Date :10/11/2021

JPA 11/11/2021