



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

Date : 01/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . Nos.96 and 494 of 2021

1. Eswaran
2. Sakthi
3. Viji

... Petitioners/Accused
(Rank not known)
in Crl.O.P(MD)No.96 of 2021

N.Sathyan

... Petitioners/Accused
(Rank not known)
in Crl.O.P(MD)No.494 of 2021

Vs

The State Rep. by
The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai District
Crime No. 2426/2020

... Respondent/Complainant
in both petitions

(In both petitions)

For Petitioners : Mr.Manickam.A.K, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

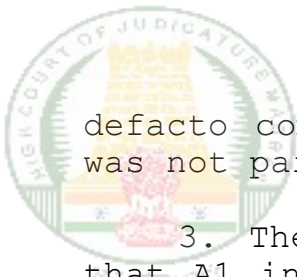
PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :- For anticipatory Bail in Crime No. 2426/2020 on the file of the respondent police

COMMON ORDER : The Court made the following order :-

The petitioners/A4, A6, A14,A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 363 and 365 of IPC seek anticipatory bail.

2. The case of the prosecution is that the husband of the defacto complainant borrowed a sum of Rs.5 lakhs as loan from Rajaguru of Thirunagar. Later he informed that he had repaid the amount with interest. Even though the said Rajaguru repeatedly asking the said Bhuvanesh Babu for some more amount. Four months prior to the occurrence the said Rajaguru lodged a complaint before the Avaniyarpuram Police station and a case in Crime No.2072 of 2020 was registered against the defacto complainant, her husband and his son Kishore. Further the said Rajaguru threatened the



defacto complainant by saying that he will kidnap her son if he was not paid with the money. Hence the complaint.

3. The learned counsel for the petitioners would submit that that A1 in this case had given loan to the husband of the defacto complainant namely Bhuvanesh Babu to the extent of Rs.97 lakhs and the said loan was not repaid. Further the defacto complainant family had collected money from various persons and cheated them and they have also cheated A2 in this case to an extent of nearly one crore. He would also submit that a false case has been foisted against the petitioners.

4. The learned Government Advocate(Crl.Side) would submit that in this case the defacto complainant's son was kidnapped and taken to Chennai and on coming to know about the registration of the case they have left him and the Chennai police has secured him and handed over to the parents. He further submitted that A1 and A2 along with their associate had joined together and thereafter executed well planned act. He would also submit that on the complaint lodged before the respondent police in Crime No. 2072 of 2020 the defacto complainant, her husband and son were arrested and released on bail

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the victim was secured, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

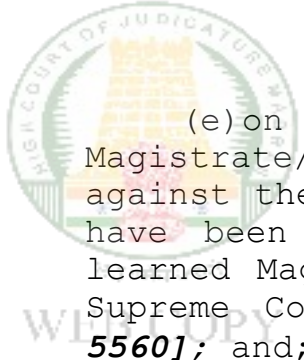
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai on condition that the petitioners shall execute a bond 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 report before the respondent police daily at 10.30 a.m., until further orders;

(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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/03/2021

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

+ 2 CC TO Mr.MANICKAM.A.K, ADVOCATE IN SR Nos. 8107 & 8106 (F)

ORDER
IN
CRL OP(MD) . Nos.96 & 494/2021
Date :01/03/2021

AAV

TE/JC/SAR-III : 04/03/2021 : 3P/7C