



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

Date : 12/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.677 of 2021

S.Chinnadurai

... Petitioner/Accused

Vs

State rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Tuticorin District.
(Crime No.1099/2020)

... Respondent

For Petitioner : Mr.S.Bharathi,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.1099/2020 on the file of the respondent police.

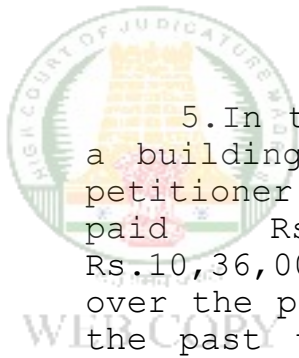
ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420 and 506(ii) of IPC, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as a building contractor and he constructed a house to the petitioner. However, there was a due from the petitioner. When the defacto complainant asked the amount due from the petitioner, he said to have threatened with deadly weapons and abused in filthy language. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him.

4. The learned Government Advocate(Crl.Side) would submit that the investigation is pending.



5. In the complaint, it is seen that the defacto complainant is a building contractor and he agreed to construct a house to the petitioner for a sum of Rs.21,00,000/- on which, the petitioner had paid Rs.10,76,000/- and the balance amount of Rs.10,36,000/- is yet to be paid. The defacto complainant handed over the possession of the house and he has been residing there for the past three years. It is seen that it is purely commercial transaction.

6. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

12/02/2021

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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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.BHARATHI, Advocate (SR-1038[I] dated 16/02/2021)

ORDER

IN

CRL OP(MD) No.677 of 2021

Date :12/02/2021

CP

MS/PN/SAR-1/25.02.2021/3P.6C