



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

Date : 11/06/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.1070 of 2021

Arun Pandian

... Petitioner/Accused
Rank Not Known

Vs

State Represented by the
The Inspector of Police,
Melur Police Station,
Madurai District.
(In Crime No.2053 of 2020)

... Respondent/Complainant

For Petitioner : Mr.S.M.A.Jinnah,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.2053 of 2020 on the file of the Respondent Police.

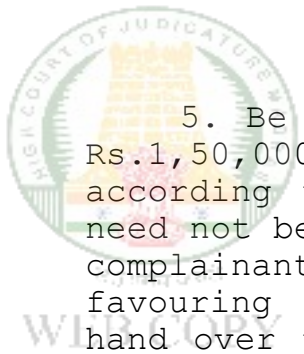
ORDER : The Court made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC in Crime No.2053 of 2020 on the file of the respondent police, and seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Counsel(Crl.side) for the respondent police.

3.The petitioner is said to have shown a pawn slip and borrowed a sum of Rs.7 Lakhs from the defacto complainant.

4.The learned counsel for the petitioner would dispute the quantum of loan amount received by the petitioner.



5. Be that as it may, the petitioner is ready to pay a sum of Rs.1,50,000/- directly to the defacto complainant. Since even according to the petitioner, it is an admitted amount, the same need not be deposited. The said amount is to be paid directly to the complainant. The petitioner is directed to make a demand draft favouring the defacto complainant for a sum of Rs.1,50,000/- and hand over the same to the respondent, who shall in turn, hand over the same to the defacto complainant, after taking an acknowledgement. The petitioner is granted eight weeks time to do so. I make it clear that the payment of Rs.1,50,000/- will not absolve the petitioner of the criminal liability and the complainant can proceed in the matter on merits and in accordance with law.

4. Since the case against the petitioner rests on the documentary evidence and he has also undertaken to pay a sum of Rs.1,50,000/-, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate, Melur, Madurai and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioner shall report before the respondent police as and when required for interrogation;

[c]the petitioner shall not abscond either during investigation or trial;

[d]the petitioner shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/06/2021

/ TRUE COPY /

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

ORDER
IN
CRL OP(MD) No.1070 of 2021
Date :11/06/2021
2/2

CP
MS/PN/SAR-1/17.06.2021/3P.5C