



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1187 of 2021

Subbaiah

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
(Crime No.519/2020).

... Respondent/Complainant

For Petitioner : Mr.Jeyakarthik.M.S,
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.519/2020 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, 341, 294(b) and 506(i) of I.P.C., in Crime No.519 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The petitioner and the defacto complainant are close relatives. The defacto complainant said to have given a sum of Rs.3 Lakhs before eight years to the petitioner. The petitioner promised the defacto complainant that he will transfer to an extent of five cents to his name for the said amount. The petitioner neither executed the property nor returned the amount. Hence, the petitioner



lodge a complaint before the respondent police. At the time of enquiry, the respondent police sought proof to show that the defacto complainant gave money to the petitioner. Since, the defacto complainant did not submit any proof, the complaint was closed. Thereafter, the defacto complainant filed a private complaint before the learned Judicial Magistrate, Srivaikundam under Section 156(3) of Cr.P.C.. The present complainant is registered on the direction of the learned Judicial Magistrate.

4. In view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam, 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.

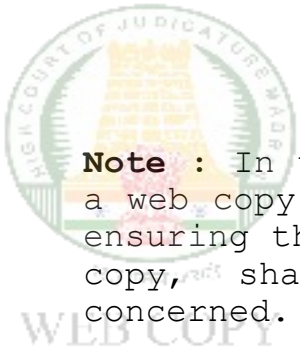
sd/-

05/03/2021

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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.

TO

1. THE JUDICIAL MAGISTRATE, SRIVAİKUNDAM.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 3. THE INSPECTOR OF POLICE,
ERAL POLICE STATION,
THOOTHUKUDI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- + 1 CC TO Mr.JEYAKARTHIK.M.S, ADVOCATE IN SR No. 1895

ORDER
IN
CRL OP(MD) No.1187 of 2021
Date :05/03/2021

IAS
TE/JC/SAR-I : 10/03/2021 : 3P/6C