



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.3442 of 2021

M.Ramanathan

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Kallal Police Station,
Sivagangai District
(Crime No.55 of 2021

... Respondent/Complainant

For Petitioner : P.Muthusamy,Advocate.

For Respondent : Mr.KR.Bharathi Kannan

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.55 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 417, 420, 506(ii) I.P.C.,, in Cr.No.55 of 2021, on the file of the respondent police seeks anticipatory bail.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) appearing for the State.

3. It is seen from the submissions that there is a monetary transaction between the petitioner and the defacto complainant. It is also further case of the petitioner that the defacto complainant tried to collect money using his influence through police. Therefore, he gave a notice dated 29.10.2020 to the police and subsequently he filed a petition in Crl.O.P.No.15375 of 2020 against the Superintendent of Police, Sivagangai District and the Inspector of Police, Kallal Police Station and the defacto complainant



Panneerselvam with regard to the harassment of the petitioner by interfering with the civil dispute.

4. Records show that this is a matter of purely civil transaction involving money dispute. The relief available to the parties has to be worked out before the competent civil Court. In this view of the matter, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

56. 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, Karaikudi, 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 daily at 10.00a.m., until further orders;

(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/-

21/04/2021

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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
KARAIKUDI
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI
 - 3 THE INSPECTOR OF POLICE
KALLAL POLICE STATION, SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.MUTHUSAMY Advocate SR.No. 3305

ORDER
IN
CRL OP(MD) No.3442 of 2021
Date :21/04/2021

SMA/24/04/2021/3P/6C