



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/09/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.4570 of 2021

Venugopal ... Petitioner/Accused NO.1

Vs

The State rep.by,
The Inspector of Police,
Viralimalai Police Station, Pudukkottai District.
In Crime No.119 of 2021. ... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar, Advocate.
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)
For Intervener : Mr.G.Thalaimutharasu, Advocate.

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

PRAYER :-For Anticipatory bail in Crime No.119 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 apprehending arrest for the offence punishable under Sections 294(b), 324 and 506(ii) I.P.C, in Crime No.119 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the land lord and the defacto complainant is the contractor. At the first instance, the petitioner agreed to pay a sum of Rs.34,00,000/- and paid only Rs.17,50,000/-. By using the said amount, part of the construction work was completed. Thereafter, the petitioner was not satisfied with the construction work of the defacto complainant. While so, the defacto complainant asked the balance amount to complete the construction work, there was a dispute. Hence, the complaint.

3.It appears that there is some money dispute between the petitioner and the defacto complainant, for which, the case has been registered. Considering the money dispute, this Court by order dated 30.03.2021, referred the matter to the Mediation and Conciliation Centre attached to this Bench for amicable settlement between the parties. But neither the petitioner nor the defacto complainant has taken any steps to solve the matter amicably.



4.Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner and the fact that it is a money dispute, this Court is inclined to grant anticipatory bail to the petitioner.

5.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Illuppur, on condition that the petitioner execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar 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 the 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/09/2021

/ TRUE 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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1 THE JUDICIAL MAGISTRATE,
ILLUPPUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION, PUDUKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.4570 of 2021

Date :20/09/2021

MSA

MK/JM/SAR.II/29.09.2021/3P/5C