



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

Date : 26/05/2021

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKER

CRL OP(MD) . No.7043 of 2021

1. A.Ramesh
2. Pratheesh

... Petitioners/Accused 1 & 2

Vs

State Rep. by
The Inspector of Police,
Andipatti Police Station,
Theni District.
Crime No.321 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Karthick P,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

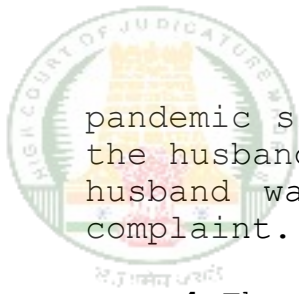
For Anticipatory Bail in Crime No.321 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 342 and 506(i) of I.P.C., and Section 4 of Prohibition of Exorbitant Interest Act, in Crime No.321 of 2021 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.80,000/- as loan from the first petitioner's wife who is running a Thangamalaiyan Auto Finance. After getting the loan amount, the defacto complainant paid a sum of Rs.1200/- as interest. When she could not pay the installment amount due to



pandemic situation, there was a dispute between the petitioners and the husband of the defacto complainant and the defacto complainant's husband was picked up and detained by the accused. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that after registration of the case, the matter was settled between the parties and hence, he seeks anticipatory bail.

5.The learned Additional Public Prosecutor appearing for the respondent fairly admitted the same. The learned Additional Public Prosecutor submitted that the petitioners are not having any previous case of the similar nature.

6.Considering the facts and circumstances of the case, and also the facts that the petitioners are not having any previous case of the similar nature and that the matter was already settled between the parties as stated by the learned counsel for the petitioner and admitted by the learned Additional Public Prosecutor and also considering the impact of Covid-19 pandemic situation and the consequent efforts not to congest the prisons, this Court is of the view that the arrest of the petitioners at this point of time is not necessary and not warranted in the interest of public at large, hence, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

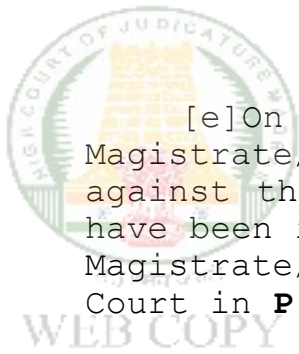
7.The petitioners shall be released in the event of arrest by the respondent police or on their surrender before the learned Judicial Magistrate, Andipatti, within a period of one month from the date of resumption of regular work in the Court below, on bail, on execution of bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the concerned Judicial Magistrate and on further conditions that:

[a] 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 petitioners shall report before the respondent police as and when required for interrogation.

[c]the petitioners shall not abscond either during investigation or trial.

[d]the petitioners 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]**.

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

sd/-
26/05/2021

/ 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.

TO

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

ORDER
IN
CRL OP(MD) No.7043 of 2021
Date :26/05/2021

RMI
JM/VR/SAR IV/31.05.2021/3P/5C