



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9918 of 2021

1. Surya
2. Vimal Anandh

... Petitioners/A1&A2

Vs

The Inspector of Police,
Sholavandhan Police Station,
Sholavandhan, Madurai District.
Crime No. 265 of 2021

... Respondent/Complainant

For Petitioner : Mr.B.Vinothkumar,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.265 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 448, 323, 506(ii) IPC in Crime No.265 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running Alagumalaiyan Motor Finance at Cholavanthan for the past three years. Accused Surya and Vimal were working in his finance. Both of them indulged in cheating by granting loan without no objection certificate to some old vehicles. Therefore, he stopped them from working for him. Taking this as motive, on 16.07.2021, at about 03.30 pm., when he was in his finance company, the accused came there scolded him in filthy language and hit him repeatedly with hands. Then, they made criminal intimidation and left the place. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed. He also submitted that the second petitioner has two previous cases and one case was disposed of.

5.It is a case where the accused said to have attacked the defacto complainant for the reason that he stopped them from working for him for the act of cheating committed by them. Taking note of the fact that the injured person had been discharged from the hospital, this Court is inclined to grant anticipatory bail to the first petitioner. Considering the fact that the second petitioner is having one previous case, this Court is not inclined to grant anticipatory bail to the second petitioner and this petition is dismissed against the second petitioner.

6.Accordingly, the first 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, Vadipati, Madurai, on condition that the first petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the first 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 first petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c]the first petitioner shall not tamper with evidence or witness either during investigation or trial.

[d]the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/07/2021

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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,
VADIPATI, MADURAI.
- 2.-DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SHOLAVANDHAN POLICE STATION,
SHOLAVANDHAN, MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9918 of 2021
Date :27/07/2021

GNS
RT/JC/SAR-IV/30.07.2021/2P/5C