



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.9962 of 2021

S.Sivasubramanian @ Kumar

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
(Crime No. 111 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Anand.R, Advocate

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

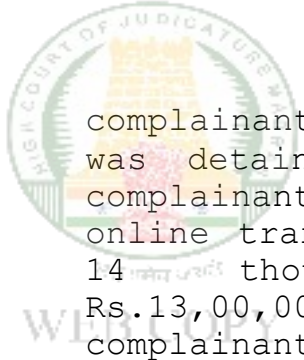
PRAYER :-

For Anticipatory Bail in Crime No.111 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 342, 363, 506(ii), 406, 420 and 397 IPC in Crime No.111 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant P.Saravanan resident of Devarkulam near Sivakasi, was running a firm in the name and style of koin bazaar technologies private limited at Madurai and using krypto currency the *defacto* complainant was doing online business on commission basis. On 13.07.2021 at about 10.15 a.m., when he was proceeding in his car all of a sudden, he was waylaid by a car from which four unknown persons and one identifiable person got down. When the *defacto* complainant got down from the car, he was abducted by the accused in his car. The *defacto*



complainant was taken to a Cottage at Courtrallam and illegally he was detained there. Further, the accused demanded the defacto complainant to transfer 30 bit coins into their account through online transaction. As a result of which, they obtained win coin. 14 thousand numbered cash coin worth about Rs.13,00,000/- a bracelet, chain, ring from the defacto complainant. It is also alleged that the accused obtained signatures from the defacto complainant in 8 white sheets. The accused by using the ATM card of the defacto complainant withdrew Rs.67,000/- from his account. Thereafter, the defacto complainant was set at liberty by the accused. Thereafter, the defacto complainant managed to escape from the accused and lodged the complaint on 17.07.2021.

3.The learned Counsel for the petitioner submitted that admittedly it is a business transaction between the petitioner and the defacto complainant and the amount has also been transferred through bank account. The learned Counsel further submits that though the defacto complainant has taken a plea that he managed to escape from the clutches of the accused on the very same day, i.e. on 13.07.2021, the complaint was lodged after a delay of four days on 17.07.2021.

4.The learned Government Advocate (Crl Side) submits that they have collected the details with regard to the transfer of the money and the investigation is yet to be completed.

5.Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.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-II, Virudhunagar, 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 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 respondent police daily at 10.30 am., until further orders.

[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/-
23/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dsk

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- II,
VIRUDHUNAGAR.
2. THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9962 of 2021
Date :23/08/2021