



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10303 of 2021

Mari @ Mariselvam

.. Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
East Police Station, Sivakasi,
Virudhunagar District.
Cr.No. 287 of 2021.

... Respondent

For Petitioner : M/s.Mohideen Basha N,
Advocate.
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.287 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) I.P.C in Crime No.287 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner borrowed a sum of Rs.5,00,000/- from the defacto complainant and out of that amount, he repaid a sum of Rs.3,00,000/- on 29.06.2021 and failed to pay the balance amount of Rs.2,00,000/- together with interest to the defacto complainant. However, at the request of the defacto complainant, the petitioner is said to have parted with a sum of Rs.1,50,000/- to the defacto complainant and when the defacto complainant asked for the remaining amount, the petitioner suggested him to adjust this amount in the balance amount. Since the defacto



complainant refused to accept the same, the petitioner assaulted the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, would submit totally there are four accused in this case and this petitioner is arrayed as the first accused. He would further submit that the injured has been discharged from the hospital on 29.07.2021.

5.Considering the nature of allegation levelled against the petitioner, the fact that it is a money dispute between the parties and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, this Criminal Original Petition is allowed and 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 No.I. Sivakasi, 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 learned 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 once in a week i.e on every Monday at 10.30 a.m 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]***; and;

(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/08/2021

/ TRUE COPY /

/ /2021

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



MSA

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 JUDICIAL MAGISTRATE NO.I
SIVAKASI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, VIRUTHUNAGAR
AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
EAST POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10303 of 2021
Date :04/08/2021

PKP/JM/SAR-3/10.08.2021/3P:5C