



WEB COPY

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

Date : 25.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11445 of 2021

Gurusamy @ Selvam

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
[Crime No.598 of 2020]

... Respondent/Complainant

For Petitioner : M/s.Jeyakumaran.J, Advocate

For Respondent : M/s.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.598 of 2020 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 Section 420 IPC in Crime No.598 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has purchased diamonds to the tune of Rs.24,90,182/- on various dates from a company, where the *defacto* complainant is an employee, did not pay for the same and cheated. Hence the complaint.



3.The learned counsel for the petitioner submitted the petitioner is running a jewelry shop and purchased diamonds to the tune of Rs.7,50,000/- and repaid the said amount. However a false complainant has been registered against the petitioner.

4.The learned Government Advocate (Crl Side) appearing for the respondent police submitted that the petitioner has failed to pay money for the diamonds purchased by him.

5.It appears to be a case of civil in nature. The Police standing order prohibits entertaining of complaints by the Police in the matters of civil in nature. However a case has been registered. Considering the facts and circumstances of the case, the nature of allegations and the fact that the dispute is civil in nature, 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, Rajapalayam 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 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.

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Sd/-
25/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
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,
RAJAPALAYAM.
2. THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.11445 of 2021
Date :25/08/2021

SP/JC/SAR II/07/09/2021/3P/5C