



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.11380 of 2021

R.Murugesan

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.

[Crime No.344 of 2021] ... Respondent/Complainant

For Petitioner : M/S.S.MALAIKANI,
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.344 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
120, 147, 294(b), 406 and 420 and Section 506(i) IPC in Crime No.344
of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant
has paid Rs.6,75,000/- to the petitioner for starting a poultry
farm. However, when the money was demanded, Rs.1,06,000/- alone was
returned by the petitioner and he criminally intimidated the defacto
complainant. Hence the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner has borrowed money from the defacto complainant and he
has duly repaid the same. He has not committed any offence. For the
alleged offence said to have taken place in the year 2012, complaint
has been lodged after several years in the year 2021.



4.The learned Government Advocate (Crl Side) appearing for the respondent police submitted that the petitioner has failed to repay the money obtained under the guise of starting poultry farm.

5.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, Ilayangudi 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 as and when required.

[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/-
25/08/2021

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE,
ILAYANGUDI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.MALAIKANI.S Advocate SR.No.5693

ORDER
IN
CRL OP(MD) No.11380 of 2021
Date :25/08/2021

dsk

TR/VR/SAR-iii(16.09.2021) 3P 6C