



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/09/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11386 of 2021

Dinesh @ Dineshkumar

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
In Crime No.405 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Solaisamy, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

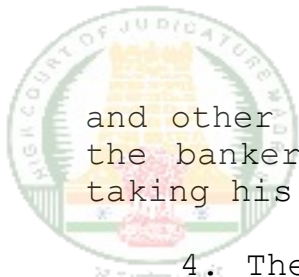
PRAYER :-For Anticipatory bail in Crime No.405 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 447 and 406 IPC, in Crime No.405 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who was running a Flex Board Printing Shop near Devakottai Bus stand, availed a loan of Rs.50,000/- from the petitioner. Due to the pandemic situation, he could not repay the same to the petitioner. Thereafter, the defacto complainant handed over the key of printing shop to the petitioner. The petitioner, without informing the defacto complainant, unlocked the shop on 04.04.2021 and sold the printing machine, computer, inverter etc. to some third parties. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner and the defacto complainant are doing their business in the same building. From the inception of the business, the defacto complainant had availed loans from various parties, including the petitioner. He was also a defaulter in paying the rent for more than two years. The defacto complainant tried to sell his machine



and other articles to some persons and on hearing the same, most of the bankers gathered in front of his shop and prevented him from taking his articles.

4. The learned counsel for the petitioner further submits that the defacto complainant requested the petitioner to sell the machine and other articles to any parties for a reasonable price. On his request, the petitioner sold the articles for Rs.2,30,000/-. But, to the shock and surprise of the petitioner, the defacto complainant preferred this false complaint against the petitioner.

5. Since it appears to be a money dispute between the petitioner and the defacto complainant, this Court, vide order 02.09.2021, appointed the Advocate Mr.J.Anandkumar as a Mediator to resolve the issue.

6. Today, Mr.J.Anandkumar, who was appointed as a Mediator, submits that the defacto complainant had received money from several persons and cheated them.

7. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

8. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that the defacto complainant had received money from several persons and cheated them, this Court is inclined to grant bail to the petitioner.

9. Accordingly, the Criminal Original Petition is allowed. The petitioner is directed 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, Devakottai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police as and when required for interrogation;

[c] the petitioner shall not tamper with 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/-

28/09/2021

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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,
DEVAKOTTAI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11386 of 2021
Date :28/09/2021

OGY
MK/SKN/SAR.I/04.10.2021/3P/5C