



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

Date : 23/09/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13927 of 2021

MARI @ MARISELVAM

... PETITIONER/ACCUSED NO.1

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
(CRIME NO. 287 OF 2021)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.N.Mohideen Basha, Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

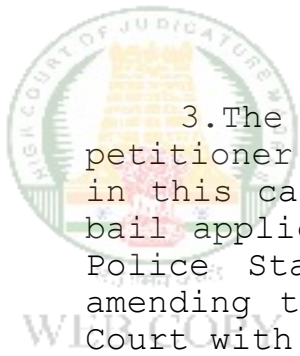
PRAYER :-

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, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) of IPC in Crime No.287 of 2021, 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 which, he repaid a sum of Rs.3,00,000/- and failed to pay the balance amount. Thereafter, due to urgent need, the defacto complainant borrowed a sum of Rs.1,50,000/- from the petitioner. When the defacto complainant asked the remaining amount, the petitioner suggested him to adjust the above said amount borrowed by the defacto complainant to 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 submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that in the earlier anticipatory bail application filed by this petitioner, he wrongly mentioned the Police Station, therefore, the petitioner filed a petition for amending the cause title. However, the same was dismissed by this Court with liberty to file fresh application for anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the the investigation is yet to be completed.

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

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

sd/-
23/09/2021

/ 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.

TO

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

ORDER

IN

CRL OP(MD) No.13927 of 2021

Date :23/09/2021

USK/VR/SAR-IV/ (28.09.2021) 3P-5C