



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

Date : 08/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.12920 of 2021

Radhakrishnan

... Petitioner/ 1st Accused

Vs

State Through
The Inspector of Police,
Alangulam Police Station,
Virudhunagar District.
Crime No.92 of 2021

... Respondent/Complainant

For Petitioner : Mr.M.Solaisamy,
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.92 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 294(b) and 506(i) I.P.C, in Crime No.92 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused had received a sum of Rs.14,00,000/- from the defacto complainant for supplying the wooden articles, but, they failed to do so. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the Bank froze the account of the petitioner's wife on 02.05.2018 and the timber mill was closed in the year 2018 itself. The properties were also brought to auction by the bank on 02.03.2021. Things being so, the defacto complainant alleged that he had given Rs.14,00,000/- on 15.04.2021. The allegation as against the petitioner is a false one and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



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

5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner, 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 Court No.II, Sattur 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 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 for interrogation.

[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/-

08/09/2021

/ 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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1. THE JUDICIAL MAGISTRATE NO.II, SATTUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/S.SOLAISAMY.M, Advocate (SR-6097[I] dated 08/09/2021)

ORDER
IN
CRL OP(MD) No.12920 of 2021
Date :08/09/2021

MSA
MS/VR/SAR-1/21.09.2021/3P.6C