



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.09.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.14134 of 2021

1. Gnanaprakasam
2. J.Darwin,
3. M.Mohanraj

... Petitioners/Accused
No.1,3 & 4

Vs

State represented by
The Inspector of Police,
Vaiyampatty Police Station,
Trichy District.
[Crime No.402 of 2021]

... Respondent/Complainant

For Petitioners : M/s.AN.Ramanathan, Advocate

For Respondent : M/s.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.402 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, and 506(i) IPC in Crime No.402 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 16.09.2021 there was a wordy quarrel between the petitioners and the defacto complainant, wherein, the petitioners abused and assaulted the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the defacto complainant borrowed a sum of Rs.7,00,000/- from the first petitioner on 01.12.2019 for interest at 12% per annum. Since the defacto complainant did not repay the amount, a legal notice was sent to him on 20.07.2021 and the first petitioner filed a suit in O.S.No.188 of 2021 on the file of the Sub Court, Manapparai, seeking recovery of money and notice was also served to the defacto complainant. For having filed he suit, the defacto complainant assaulted the petitioners and in this regard a complaint has been lodged by the petitioners on 16.09.2021 itself. Therefore, this false complaint has been foisted against the petitioners.

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

5.It appears that there is a money transaction between the petitioners and the defacto complainant and a suit in this regard is filed before the Court concerned. Considering the nature of allegations against the petitioners and there is a civil dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai, Trichy District on condition that the petitioners 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 am until further orders.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
23/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dsk

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,
Manapparai.
- 2.Do- Through Chief Judicial Magistrate,
Trichy District.
- 3.The Inspector of Police,
Vaiyampatty Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.14134 of 2021
Date :23/09/2021