



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14586 of 2021

Arulananadhu

... Petitioner/Accused No.5

Vs

The State rep.by
The Inspector of Police,
Vaiyampatty Police Station,
Trichy District.
(Crime No.402 of 2021).

... Respondent/Complainant

For Petitioner : Mr.AN.RAMANATHAN, Advocate
For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-

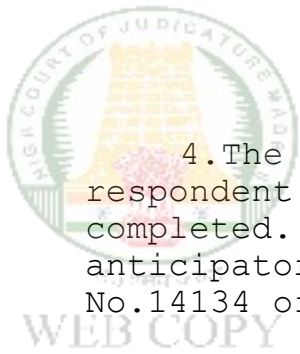
For Anticipatory Bail in Crime No.402 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 506(i) IPC in Crime No.402 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 16.09.2021 there was a wordy quarrel between the defacto complainant and the petitioner and four others, wherein, the petitioner along with other accused abused and assaulted the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner herein is the father-in-law of the first accused. The defacto complainant borrowed a sum of Rs.7,00,000/- from the first accused 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 accused 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 the suit, the defacto complainant assaulted the petitioner and in this regard a complaint has been lodged as against the defacto complainant on 16.09.2021 itself. Therefore, this false complaint has been foisted against the petitioner.



4.The learned Government Advocate (Crl Side) appearing for the respondent police submitted that the investigation is yet to be completed. He further submitted that the first accused was granted anticipatory bail by this Court on 23.09.2021, in Crl.O.P.(MD) No.14134 of 2021.

5.It appears that there is a money transaction between the defacto complainant and the first accused and a suit in this regard is filed before the Court concerned. Considering the nature of allegation levelled against the petitioner and also the fact that there is a civil dispute between the parties and the first accused was granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 Manapparai, Trichy District, 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 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 was 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/-
29/09/2021

/ 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
MANAPPARAI, TRICHY, DISTRICT.
- 2.DO-THROUGH : THE 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.14586 of 2021

Date :29/09/2021

SA/SKN/SAR.4/04.10.2021/3P/5C