



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

Date : 22.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.16063 of 2021

WEB COPY

Rajaram @ Rajaram Pandian
[Wrongly mentioned as Rajaram (Rajan)]

... Petitioner / Sole Accused

Vs

State Rep. By its
The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(Crime No. 4/2019)

... Respondent / Complainant

For Petitioner : Mr.C.Iyyapparaj
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2019 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 offence punishable under Sections
420, 294(b), 506(i) IPC, in Crime No.4 of 2019, seeks anticipatory
bail.

2.The prosecution case is that the defacto complainant sold
fishes to the petitioner to the tune of Rs.36,91,254/- between
25.04.2017 and 09.06.2017, for which, the petitioner has paid a sum
of Rs.15,42,000/-. But the petitioner did not settle the balance
amount and when the defacto complainant insisted for the same, the
petitioner threatened him. Hence, the complaint.

3.Learned Counsel for the petitioner submits that the
petitioner is an innocent and has not committed any offence as
alleged by the prosecution. He submits that the petitioner has
settled the entire amount. Even according to the defacto
complainant, the transaction took place in the year 2017, for which,
the complaint was lodged in the year 2019. Therefore, the learned
Counsel prays for grant of anticipatory bail.

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

4.Heard the learned Additional Public Prosecutor appearing for
the respondent police as well.



5.It appears that the complaint is purely for a business transaction. The defacto complainant complains of non-settlement of bill amount, which was disputed by the petitioner.

6.Considering the nature of offence and the fact that it is a business transaction, 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 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 No.II, Kuzhithurai, Kanyakumari 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 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 am., 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 the 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/-
22/10/2021

/ TRUE COPY /

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

gk

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. II,
KUZHITHURAI, KANYAKUMARI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
PUTHUKADAI POLICE STATION,
KANNIYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP (MD) No.16063 of 2021
Date :22/10/2021

SB/VR/SAR-II/02.11.2021/3P/5C