



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15133 of 2021

Ganesh Kumar ... Petitioner/Accused Rank Not Known

Vs

State Rep by,
The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar.
(Crime No. not known of 2021) ... Respondent/Complainant

For Petitioner : Mr.R.Gandhi, Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

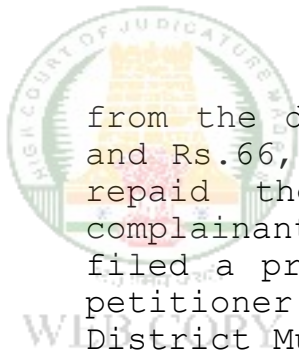
For Anticipatory Bail in Crime No.Not Known of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 420 IPC, in Crime No.Not Known of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the de-facto complainant are business partners, based on which, the de-facto complainant had given a sum of Rs.12,50,000/- and also given a sum of Rs.6,50,000/- as loan to the petitioner. Despite receipt of the same, the petitioner established business only in his name and thereafter, failed to return the capital amount as well as the profit. Hence, the petitioner filed a private complaint under Section 156(3) of Cr.P.C against the petitioner and the same was forwarded to the respondent police for conducting enquiry. Based on the enquiry, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner was involved in micro finance lending short term loan to the public. In 2018, the petitioner borrowed a sum of Rs.3,00,000/-



from the de-facto complainant and Rs.3,00,000/- from one Ravindran and Rs.66,000/- from one Senthilnathan. Thereafter, the petitioner repaid the said loan amount. In the meantime, the de-facto complainant demanding higher interest from the petitioner and also filed a private complaint against him. He further submits that the petitioner also filed a suit in O.S.No.10 of 2021 before the District Munsif Court, Viruthunagar against the de-facto complainant and the same is still pending.

4.The learned Additional Public Prosecutor appearing for the respondent Police strongly opposed this petition on the ground that investigation is yet to be completed.

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

6.Accordingly, this Criminal Original Petition is allowed. 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.I, Virudhunagar, 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/10/2021

/ TRUE COPY /

/ /2021

WEB COPY

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

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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,
VIRUDHUNAGAR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15133 of 2021
Date :07/10/2021

PKP/PN/SAR- 1/20.10.2021/3P/5C