



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

Date : 16/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17756 of 2021

1. Natesan
2. Muthumari

... Petitioners/Accused Nos.3 & 4

Vs

The State Rep.by
The Inspector of Police,
City Crime Branch Police Station,
Tirunelveli District.
Crime No.12 of 2018.

... Respondent/Complainant

For Petitioners: M/s.Senthil Sankaranathakumar,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

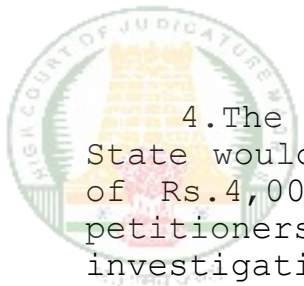
PRAYER :- For Anticipatory Bail in Crime No.12 of 2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.3 and 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 418, 420 and 506(i) I.P.C., in Cr.No.12 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the first accused and his daughter are running C2H network Private Limited to release the CD of cinemas and the petitioners are distributors of the said Company and due to financial need, the first petitioner approached the defacto complainant and got Rs.4,00,000/- and the said amount was directly transferred to the Company Bank account and when the defacto complainant demanded the said amount, he was threatened with dire consequences. Hence, the present complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. Hence, he seeks anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor appearing for the State would submit that the defacto complainant has paid the amount of Rs.4,00,000/- to the account of the first accused, that the petitioners had no previous case similar in nature and that the investigation is pending.

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5.Considering the nature of charges levelled against the petitioners and also the fact that the case is pending from the year 2018 onwards in F.I.R., stage itself and that no previous case similar in nature is pending against the petitioners as stated by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30a.m., for period of one month and thereafter as and when required for interrogation.

(c)the petitioners shall not tamper with 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 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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.

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TO

1. THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.SENTHIL SANKARA NATHA KUMAR, Advocate (SR-8154[I]
dated 17/11/2021)

ORDER

IN

CRL OP(MD) No.17756 of 2021

Date :16/11/2021

SSL

MS/PN/SAR-2/23.11.2021/3P.6C