



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.12.2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.19945 of 2021

Sathasivam

... Petitioner/ Accused No.1

Vs

State represented by
The Inspector of Police,
District Crime Branch,
Virudhunagar.
(Crime No.9 of 2018)

... Respondent/Complainant

For Petitioner : Mr.M.Suri
For Mr.G.Ramanathan
Advocate.
For Intervenor : Ms.S.Mahalakshmi
Advocate
For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

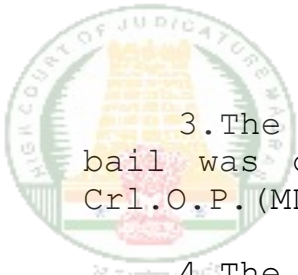
PRAYER :-

For Anticipatory Bail in Crime No.9 of 2018 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) IPC in Crime No.9 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and his brother had business connections with the de-facto complainant and they had purchased rice to an extent of Rs.45,98,450/- and paid only Rs.5,80,000/- and failed to pay the balance amount of Rs.40,18,450/-, thereby cheated the de-facto complainant and also threatened him. Hence, the complaint.



3.The earlier petition filed by the petitioner for anticipatory bail was dismissed by this Court vide order dated 25.11.2021 in CrI.O.P.(MD)No.17244 of 2021.

4.The learned counsel for the intervenor would submit that the total amount due by the petitioner is Rs.45,98,450/- and out of the said amount, the petitioner has paid only Rs.5,80,000/- and the petitioner is liable to pay Rs.40,18,450/-.

5.The learned counsel for the petitioner would submit that the petitioner is liable to pay only Rs.25,44,050/- and after deducting the amount already paid, the balance amount is Rs.19,64,050/-.

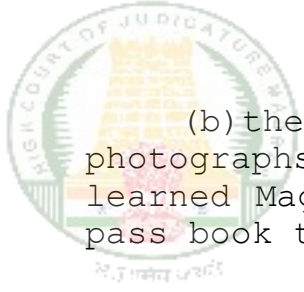
6.The learned Additional Public Prosecutor would submit that the petitioner is liable to pay the balance amount Rs.40,18,450/- and that the investigation has already been completed and they are going to file the charge sheet shortly.

7.At this juncture, the learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner, whereunder, he has specifically stated that he would deposit a sum of Rs.10,00,000/- before the learned Judicial Magistrate No.II, Virudhunagar within a period of six weeks from the date of receipt of a copy of this order. But the learned counsel for the intervenor has raised objection that since the total amount due is Rs.40,18,450/-, the petitioner's request cannot be accepted and atleast he should be directed to deposit a sum of Rs.15,00,000/- for which the learned counsel for the petitioner has agreed for the same.

8.Considering the above facts and circumstances and also the fact that the investigation is completed and also taking note of the petitioner's undertaking to deposit a portion of the amount, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

9.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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, 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 is directed to deposit a sum of Rs.15,00,000/- before the learned Judicial Magistrate No.II, Virudhunagar to the credit of Crime No.9 of 2018 without prejudice to his rights and contentions. On such deposit, the de-facto complainant is permitted to withdraw the 50% of the said amount;



(b) 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;

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

(d) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]**; and;

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

Sd/-
23/12/2021

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

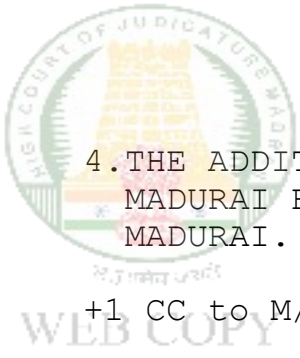
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR.



4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.RAMANATHAN, Advocate (SR-9774[I] dated 27/12/2021)

ORDER

IN

CRL OP (MD) . No.19945 of 2021

Date : 23.12.2021

VB/JC/SAR-II/05.01.2022/4P/6C