



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22.03.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.5312 of 2022

1. Ganeshan
2. Guna @ Murugeshan ... Petitioners/Accused 1 & 3
Vs

The Inspector of Police,
Sendhamaram Police Station,
Tirunelveli District.
(Crime No.56 of 2018)

... Respondent/Complainant

For Petitioners: Mr.P.M.Vishnuvarthanan,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side).

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

PRAYER :-

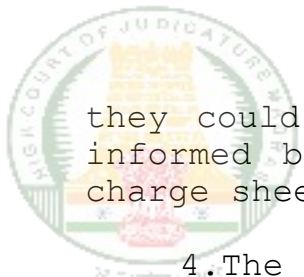
For Anticipatory Bail in Crime No.56 of 2018 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b) and 506(1) IPC, Section 4 of Tamil Nadu Prohibition Charging Exorbitant Interest Act, 2003, and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.56 of 2018 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has borrowed some amount for his urgent need from the first accused, for which, the defacto complainant executed a sale deeds in favour of the third accused as a security to the said amount and thereafter, since the defacto complainant was not able to pay the interest, all the accused had threatened the defacto complainant's wife with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have previously filed a petition in Crl.O.P.(MD)No.5630 of 2018 seeking anticipatory bail and this Court, vide order dated 10.04.2018, has granted anticipatory bail with certain conditions, that thereafter before furnishing the sureties, they came to know that FIR was ordered to be closed as 'mistaken of fact' and hence,



they could not furnish the sureties and that thereafter they were informed by the respondent police that they are going to file a charge sheet before the concerned Court.

4.The learned counsel for the petitioners would further submit that thereafter the defacto complainant has filed a petition under Section 482 Cr.P.C., seeking direction to transfer the investigation in CrI.O.P.(MD)No.4965 of 2020 and this Court, vide order dated 28.02.2022, directed the Deputy Superintendent of Police, Puliyanudi, Tenkasi District, to complete the investigation and file a final report within a period of four weeks from the date of receipt of a copy of that order. Moreover, in the said order, the learned Judge has mentioned the submission made by the learned Government Advocate (Criminal Side) that while petition was pending, the third respondent closed the FIR and that thereafter this Court, vide order dated 20.03.2020, directed the second respondent to proceed with the investigation.

5.The learned counsel for the petitioners would further submit that the defacto complainant has filed a suit in O.S.No.160 of 2018 against five persons including the second petitioner/third accused seeking reliefs to set aside the sale deeds, for declaring that the sale deeds as invalid and for obtaining permanent injunction and the same is pending.

6.Considering the above facts and circumstances and also the facts that the petitioner was already granted anticipatory bail by this Court and that this Court has also directed the respondent police to complete the investigation and file a final report within a period of four weeks, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Tenkasi, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police daily as and when required for interrogation.

[c]the petitioners shall not tamper with the 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]***.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/03/2022

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

CSM

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,
TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
SENDHAMARAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. VISHNUVARTHANAN P.M. Advocate SR.No.2330

ORDER

IN

CRL OP(MD) No.5312 of 2022

Date :22/03/2022

SS/SBN/SAR:III/28.03.2022 : 3P/6C

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