



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

Date : 19.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5547 of 2022

WEB COPY

Raja @ Theyvendra Raja

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Cr.No.202 of 2022.

... Respondent/Complainant

For Petitioner : Mr.P.Kathirvelu, Senior Counsel
for Mr.R.Shankar Ganesh,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.202 of 2022 on the file of
the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
323 and 506(i) IPC r/w Sections 4 and 11 of Tamil Nadu Prohibition
of Charging Exorbitant Interest Act, 2003, in Cr.No.202 of 2022,
seeks anticipatory bail.

2.The case of the prosecution is that on 08.03.2022 at about
02.30 p.m., at the instigation of the petitioner, some persons came
to the de-facto complainant's shop, abused him in filthy language
and threatened him with dire consequences. Hence, the complaint.

3.The learned Senior Counsel for the petitioner would submit
that even according to the prosecution, the de-facto complainant has
borrowed a sum of Rs.1,00,000/- from the petitioner and he has
already paid Rs.95,000/- and that the petitioner has been demanding
to pay the remaining of Rs.5,000/- along with interest of
Rs.50,000/-. He would further submit that in the complaint, it has
been alleged that three unknown persons came and threatened him to



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the injured was discharged from the hospital and that the petitioner is having no previous case.

5.Considering the nature of the charges levelled against the petitioner and also the fact that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.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, Ramanathapuram, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

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

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

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

sd/-
19/04/2022

/ TRUE COPY /

/ /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,
RAMANATHAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-3589[I] dated 20/04/2022)

ORDER

IN

CRL OP(MD) No.5547 of 2022

Date :19/04/2022

sj i

USK/VR/SAR-II/25.04.2022/3P/6C