



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

Date : 18/04/2022

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
CRL OP(MD).No.6484 of 2022

WEB COPY

Chinnadurai,

... Petitioner/Accused No.2

Vs

1. The State Rep by,
The Inspector of Police,
District Crime Branch,
Tuticorin.
(Crime.No.10 of 2019)

... Respondents/Complainants

2. T.Anand Jesuraj Solomon,
(R-2 was suo motu impleaded vide
Order dated 08.04.2022)

...2nd Respondent

For Petitioner : MR.M.Kubendran,Advocate.

For Respondent 1: Mr.M.Sakthikumar,
Government Advocate (Crl.Side)

For Respondent 2: Mr.S.Vijayakumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2019 on the file of
the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the first
respondent and the learned counsel appearing for the defacto
complainant.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 406 and
420 of I.P.C., in Crime No.10 of 2019 on the file of the respondent
police, seeks anticipatory bail.

3. The petitioner is figuring as accused No.2 in Crime No.10 of
2019 registered on the file of the District Crime Branch, Tuticorin.
He earlier filed Crl.O.P.(MD)No.16467 of 2019 seeking anticipatory
bail. It was granted on condition that the petitioner should deposit
a sum of Rs.3,00,000/- to the credit of the First Information
Report. The petitioner failed to comply with the said condition.

<https://hccourtsonline.in/hccservices> the instance of the defacto complainant, it got



cancelled. The petitioner has come out with the fresh criminal original petition seeking the relief of anticipatory bail.

4. The question that arises for consideration is whether the petitioner should be granted anticipatory bail or not. The learned counsel appearing for the defacto complainant would strongly oppose the prayer. He filed a tabulation stating that the total amount payable by the petitioner comes to Rs.4,55,112/-. The submissions of the learned counsel appearing for the defacto complainant turn on the monetary liability of the petitioner. But that is not the issue here. The issue before me is whether the petitioner has to undergo custodial interrogation or not. The petitioner has taken a demand draft for a sum of Rs.1,50,000/- in favour of the defacto complainant and the same has also been paid to the learned counsel for the defacto complainant. He has also given acknowledgement. Since the petitioner who is figuring as accused No.2 is aged 67 years and the case against the petitioner raises entirely on the documentary evidence, custodial interrogation is really not required. In any event, I am not quashing the proceedings. I am only granting protection against arrest and nothing more. It is made clear that the payment of Rs.1,50,000/- by the petitioner to the defacto complainant through his counsel is without prejudice to the petitioner's defence in the trial. The learned Government Advocate appearing for the prosecution states that final report will be filed within two months from the date of receipt of a copy of this order.

5. In these circumstances, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.III, Thoothukudi, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
18/04/2022

/ TRUE COPY /

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



PMU

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.III,
THOOTHUKUDI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TUTICORIN.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.KUBENDRAN, Advocate (SR-3526[I] dated 20/04/2022)

ORDER

IN

CRL OP(MD) No.6484 of 2022

Date :18/04/2022

PKP/SVR/SAR-1/20.04.2022/3P/6C