



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6520 of 2022

C.Paranthaman

... Petitioner/Accused

Vs

State rep.by
The Inspector of Police,
District Crime Branch
Kanyakumari District.
(Crime No.13 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Saravanan D, Advocate.

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

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

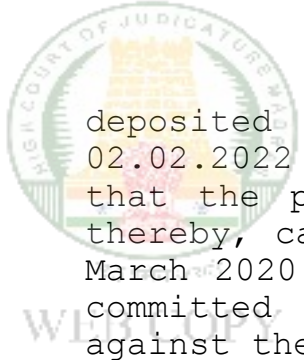
PRAYER :-

For Anticipatory Bail in Crime No.13 of 2022 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 420 and 465 IPC, in Cr.No.13 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant, who is an Advocate has preferred a complaint admitting that the petitioner is the tenant, that the rent period got expired on 28.02.2021, that he has not paid any rent for two years, that thereafter, the de-facto complainant has requested to give a higher rent based on government value or adjacent shop rent value, he has not accepted, that thereafter, the de-facto complainant directed the petitioner to vacate the premises and since he refused to vacate, the complainant gave a complaint to the Tirunelveli DIG and the same is pending for enquiry, that subsequently, the petitioner had



deposited a sum of Rs.1,60,000/- on 21.01.2022 and Rs.1600/- on 02.02.2022 without his knowledge and by stealing his account number, that the petitioner has manipulated the records to cheat him and thereby, caused loss to the tune of Rs.19,200/- for the period from March 2020 to till February 2021 and that since the petitioner has committed fraudulent act, the present case has been registered against the petitioner.

3.As rightly contended by the learned counsel for the petitioner, the de-facto complainant himself has admitted that the petitioner is the tenant and that there was some arrears of rent. Even according to the complainant, the petitioner deposited Rs.1,60,000/- and Rs.1600/- in the bank account of the de-facto complainant.

4.It is seen from the records that the complainant has preferred a complaint to the Superintendent of Police and the same was forwarded to the respondent police and on that basis, the FIR came to be registered.

5.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the petitioner is not having any previous case.

6.Considering the nature of the charges levelled against the petitioner also the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

7.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.I, Nagercoil, 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 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/-

07/04/2022

/ TRUE COPY /

/ /2022

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

SJI

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.I,
Nagercoil.
 2. -Do-Through
The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
 3. The Inspector of Police,
District Crime Branch,
Kanyakumari District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.SARAVANAN D Advocate SR.No.17402

ORDER

IN

CRL OP(MD) No.6520 of 2022

Date : 07/04/2022