



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/05/2022

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.8948 of 2022

P.Mahesh Rahul

...Petitioner/Sole accused

Vs

The State Rep by,
The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
(Crime No.190/2022).

... Respondent/Complainant

For Petitioner : MR.Lenin Kumar, Advocate.

For Respondent : Mr.A.Albert James
Government Advocate (Crl.Side)

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

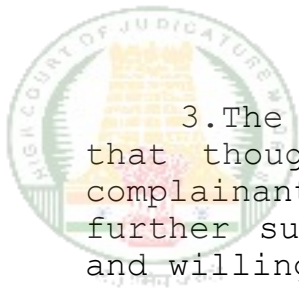
PRAYER :-

For Anticipatory Bail in Crime No.190 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 448, 294(b), 341, 354(A) & 506(i) of IPC in Cr.No.190 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner has borrowed a sum of Rs.1 Lakh from the defacto complainant for purchasing a JCB, subsequently, he repaid only a sum of Rs.40,000/-. Due to non-payment of the remaining amount, a complaint was lodged by the defacto complainant.



3.The learned counsel appearing for the petitioner would submit that though the petitioner has settled entire dues, the defacto complainant harassed him to pay exorbitant interest. He would further submit that to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.30,000/-on his own volition.

4.The learned Government Advocate (crl. side) appearing for the respondent police would submit that there was money dispute is pending between them.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on 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, Karur on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner is directed to deposit Rs.30,000/-[Rupees Thirty Thousand Only] to the credit in Crime No.190 of 2022 before the learned Judicial Magistrate No.II, Karur with in a period of two weeks from the date of receipt of a copy of this order, without prejudice to his rights.

(b)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;

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
11/05/2022

WEB COPY

/ TRUE COPY /

13/05/2022

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

ksa

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

+1. CC to M/S. LENIN KUMAR.T. Advocate SR.No.4621

ORDER
IN
CRL OP(MD) No.8948 of 2022
Date :11/05/2022

SP/SVR/SAR II/13/05/2022/3P/6C