



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

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PRESENT

THE HON'BLE MRS JUSTICE T.V.THAMILSELVI

CRL OP(MD) . No.9330 of 2022

U.Nainar Rawthar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
Crime No.116 of 2022

... Respondent/ Complainant

For Petitioner : Mr.B.Sivaraman,
Advocate.

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

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

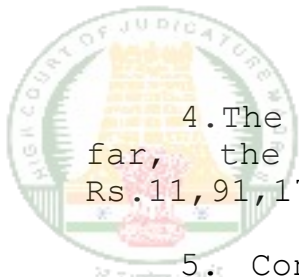
PRAYER :- For Anticipatory Bail in Crime No.116 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 & 506(i) IPC, in Crime No.116 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is running a travel agency in the name of M/s.Alegreia Travels and used to fill up diesel in his vehicles from P.P.Fuels at Elayangudi owned by the defacto complainant on credit basis for several years. Though the petitioner paid a part amount, he is liable to pay a sum of Rs.11,91,175/-. When the defacto complainant requested him to pay the balance due amount, the petitioner has refused to pay the same and threatened him with dire consequences.

3. The learned counsel appearing for the petitioner submits that since the petitioner is facing huge financial crisis, he could not able to pay the due amount. He is now ready to abide by any condition imposed by this Court and to co-operate for investigation. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side) submits that so far, the petitioner is liable to pay the due amount of Rs.11,91,175/-.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 Judicial Magistrate Court, Elayangudi, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.116 of 2022 before the Judicial Magistrate Court, Elayangudi, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his rights and contentions before the trial Court;

[c]the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of three months and as and when required for interrogation.

[d]the petitioner shall not tamper with the 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]**.

sd/-

18/05/2022

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/ /2022

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



TO

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

+1 CC to M/s.B.SIVARAMAN, Advocate (SR-4746[I] dated 19/05/2022)

ORDER

IN

CRL OP(MD) No.9330 of 2022

Date :18/05/2022

OGY

MS/PN/SAR-1/23.05.2022/3P.6C