



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

Date : 18/05/2022

PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9412 of 2022

1. Muthuramalingam
2. Mahalakshmi

... Petitioners/Accused No.1&2

Vs

The State Rep. By,
The Inspector of Police,
Sattankulam Police Station,
Tuticorin District.
Crime No. 139/2022.

... Respondent/Complainant

For Petitioner	: M/s.Vignesh.N, Advocate.
For Respondent	: Mr.M.Vaikkam Karunanithi, Government Advocate (Crl.Side)
For Defacto Complainant	: Mr.S.Vishnu Vardhan,

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

PRAYER :-

For Anticipatory Bail in Crime No. 139 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 406 and 506(ii) of IPC, in Crime No.139 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners borrowed Rs.2,00,000/- from the 2nd petitioner's own sister, but failed to repay the amount and that when the defacto complainant demanded the money, the petitioners verbally abused the defacto complainant stating that the defacto complainant will not be spared if the said amount is demanded again. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners and the defacto complainant are close relatives.



4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the injured was discharged from the hospital.

5.Considering the fact that the injured was discharged from the hospital, that the petitioners and the defacto complainant are close relatives and that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Sattankulam, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the first petitioner shall report before the respondent police **once in a week (ie., on every Wednesday at 10.30 a.m.,** for a period of six weeks, and thereafter, as and when required for interrogation. The second petitioner shall report before the respondent Police as and when required for interrogation;

(c)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7.The learned Counsel appearing for the petitioners submitted that there is a possibility for settlement, if the matter is referred to mediation.



8.Hence, Registry is directed to refer this matter to the District Mediation Centre, Thoothukudi District. The parties are directed to appear before the Mediation Centre on three sittings.

sd/-
18/05/2022

WEB COPY

/ TRUE COPY /

20/05/2022

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

COPY TO :

1. THE OFFICER-INCHARGE,
DISTRICT MEDIATION CENTRE,
THOOTHUKUDI DISTRICT.
2. THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.VIGNESH.N Advocate SR.No.23834(F), DATE :
19.05.2022.

ORDER IN
CRL OP(MD) No.9412 of 2022
Date :18/05/2022

vsg
USK/JM/SAR-II/20.05.2022/3P/8C

<https://hcservices.ecourts.gov.in/hcservices/>