



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/07/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.10800 of 2022

Shoyab @ Mohamed Shuaib Nathrasha ... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
District Crime Branch Police Station,
Virudhunagar District.
Crime No.4 of 2020.

... Respondent/Complainant

For Petitioner : M/s.JINNAH.S.M.A,
For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.4 of 2020 on the file of the Respondent Police.

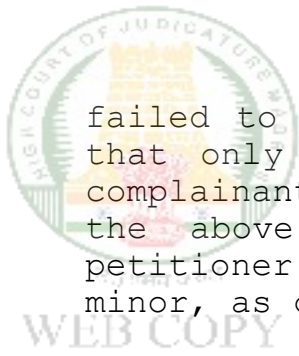
ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent Police for the alleged offence punishable under Sections 120(b), 420, 406, 294(b), 506(ii) IPC, in Crime No.4 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2. Heard both sides.

3. The only ground, which has been raised by the learned counsel for the petitioner is that on the date of alleged occurrence, the petitioner/A2 was aged 17 years and had not completed 18 years. As per Birth Certificate, his date of birth is 01.01.1999 and the date of occurrence stated to be on 05.09.2016 and hence, he could not stand as a guarantor, as alleged by the prosecution and therefore, prays for grant of anticipatory bail.

4. Perusal of CD file shows that there was a joint venture agreement between the defacto complainant, viz., Subbar Reddy and his daughter viz., Ammuthambikai, wife of Ramesh Raj. The case of the prosecution is that only for the above said joint venture business, amount has been borrowed from the defacto complainant's son-in-law by the first accused. However, the accused persons have



failed to return the money and hence, the complaint. It is an that only the first accused has received the money from defacto complainant's son-in-law and the petitioner herein is not a party to the above said business transaction, the allegation that the petitioner has given guarantee for repayment, that too, when he is a minor, as on the date of the alleged occurrence, is not sustainable.

5.Considering the facts and circumstances of the case, the Investigating Officer has to take proper steps to proceed as per Juvenile Justice (Care and Protection of Children) Act, 2015. Hence, question of grant of anticipatory bail does not arise.

6.With the above said directions, this petition stands disposed of.

sd/-

18/07/2022

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/07/2022

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

TO

- 1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.10800 of 2022

Date :18/07/2022

SA/VR/SAR.3/27.07.2022/2P/3C