



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.14765 of 2022

1. K.Senthil Pandiammal,
2. P.Senthilkumar, ... Petitioners/Accused Rank Not Known

Vs

1. State Rep.by
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
Crime No.146/2022. ...Respondent/Complainant
2. Gayathri, ...2nd Respondent

(R2 is Suo Motu Impleaded as Per Order
of the Court dated 17/08/2022 in
Crl.O.P.(MD) No.14765 of 2022)

For Petitioner : M/s.Sharavanan A Mu, Advocate.

For 1st Respondent : Mr.M.Muthmanikkam,
Government Advocate (Crl.Side)

For 2nd Respondent : No appearance

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

PRAYER :-

For Anticipatory Bail in Crime No.146/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 294
(b), 506(i) IPC r/w. 4 of TNPHW Act and 3 and 4 of TNPEEI Act in
Crime No.146 of 2022, seek anticipatory bail.



2.The case of the prosecution that the petitioners have a sum of Rs.8,46,000/- to the defacto complainant for exorbitant interest and consequently, they abused and threatened her. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and he seeks anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the petitioners have given a amount of Rs.8,46,000/- to the defacto complainant for exorbitant interest and the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact it is a money dispute between the parties, 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 their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Peraiyur, Madurai District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only)each 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:

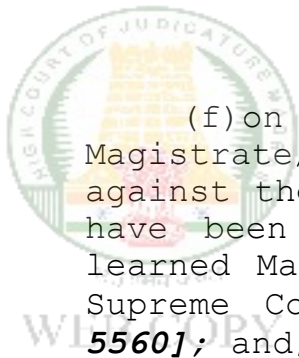
(a) the petitioners are directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakhs only) to the credit of credit of Crime before the learned Judicial Magistrate, Peraiyur, Madurai District**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

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

(e)the petitioners 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 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;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

ORDER
IN
CRL OP(MD) No.14765 of 2022
Date :10/11/2022

trp
PKP/SSS/SAR-2/21.11.2022/3P/5C