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

Date : 06/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16056 of 2022

Latcham

... Petitioner/Accused

Vs.

State rep.by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime No.244/2022).

... Respondent/Complainant

For Petitioner : M/s.Mareeskumar E, Advocate.

For Respondent : E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Crime No.244/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 406, 417, 420, 343, 323, 427 and 506 (ii) IPC, in Crime No. 244 of 2022, seeks anticipatory bail.

2. The allegation against the petitioner is that the defacto complainant gave Rs.7,60,000/- to the petitioner for getting a Government Job and for purchasing a land located in Srivilliputhur. A case in Crime No.244 of 2022, was registered against the petitioner.



3. On the side of the petitioner, it is stated that the defacto complainant was working in the Company of the petitioner on commission basis for 6 months and he borrowed a sum of Rs.5,00,000/- in various instalments for his family expenses. When the petitioner demanded repayment of the amount, the defacto complainant gave him a life threat. The petitioner filed a criminal complaint against the defacto complainant. The defacto complainant gave 2 promissory notes to the petitioner and undertake to repay the amount with 2% interest, but, failed to repay the amount. The petitioner is affected from Hhernia and he was advised to undergo surgery and prayed the petitioner to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that the defacto complainant paid Rs.2,00,000/- for obtaining a job in Avin Corporation and the defacto complainant paid Rs.5,60,000/- for settling a land dispute. The petitioner is having four previous cases. One case is under Section 302 I.P.C and three cases are 110 Proceedings.

5. On the side of the petitioner, copy of two pronotes each for a sum of Rs.2,50,000/- and an agreement to repay Rs.5,00,000/- in 20 instalments of Rs.25,000/- each along with interest at the rate of 2 per 100 per month is filed.

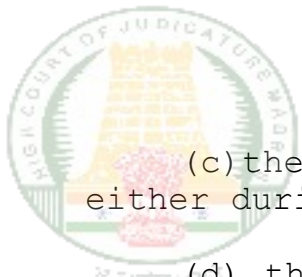
6. On the side of the petitioner, it is further stated that the petitioner is undergoing surgery and the copy of the scan reports are also filed.

7. Considering the nature of the offence and considering the health condition of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or 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, Sivakasi, 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 to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police once in a week ie. Every monday at 10.30 am until further orders;



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

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(e) 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;

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

Sd/-

06/09/2022

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/09/2022

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

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

ORDER

IN

CRL OP(MD) No.16056 of 2022

Date : 06/09/2022