



WEB COPY

CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2022

PRESENT

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

CRL OP(MD). No.16740 of 2022

1. Ravichandran,

2. Sivakumar,

... Petitioners/Accused 1 & 2

Vs

1. The Inspector of Police,
District Crime Branch,
Virudhunagar District.
Crime No. 10/2021.

... 1st Respondent / Complainant

2. K.Narayanasamy,

... 2nd Respondent / Defacto complainant

For Petitioners: Mr.N.Mohideen Basha, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

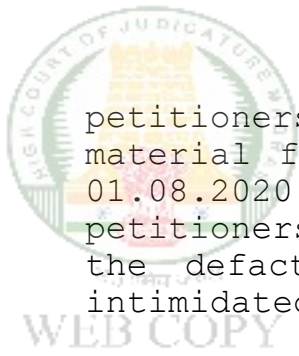
For Anticipatory Bail in Crime No. 10 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections (*) **406,420,294(b),506(1) IPC**, in Crime No.10 of 2021, seek anticipatory bail.

2.The defacto complainant is the owner of Lion Paper Boards Company. The petitioners, who are the owners of Palsamy Match Works, had purchased papers from the defacto complainant's company. The

<https://www.mhc.tn.gov.in/judis>



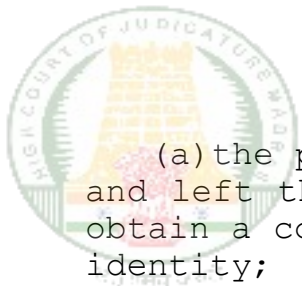
petitioners have to pay a sum of Rs.1,01,80,680/- for purchasing material from the defacto complainant's company from 10.12.2018 to 01.08.2020. On 04.02.2021, the defacto complainant asked the petitioners to settle the amount, for which, the petitioners abused the defacto complainant in filthy language and also criminally intimidated him. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are having only balance due of Rs.70,89,434/- for accruing for entire period of transaction and the same was paid by the petitioner by way of installment due. The balance of Rs.1,01,80,680/- claimed by the de-facto complainant is totally false. Therefore, the petitioners filed a petition for direction before this Court and the same was also disposed of. Thereafter, the petitioners filed an application for anticipatory bail in Crl.O.P.(MD)No.6989 of 2021 and the same was disposed of by this Court vide order dated 04.06.2021 and directed the respondent police to follow the procedure set out in Section 41A of Cr.P.C. and the respondent police shall issue an appearance notice to the accused in the form and manner set out in the proceedings of the Director General of Police, Tamil Nadu, viz., the Circular Memorandum in RC.No.000252/Crime 4(2)/2019, dated 30.01.2019 as amended vide Circular Memorandum RC.No.000252/Crime 4(2)/2019, dated 07.02.2019 and further, directed the petitioners shall comply with the terms of the notice and shall also co-operate with the investigation. As per the direction of this Court, the petitioners have co-operated with the respondent police and appeared for all the enquiries. Hence, he seek for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that it is a case of commercial transaction and the investigation is not yet completed. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the submissions made by both sides, 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 No.II, Virudhunagar, Virudhunagar 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 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 petitioners shall report before the respondent police daily at 10.30 am until further orders.

(c) the petitioners shall not tamper with 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/09/2022

**(*) Amended as per order of this Court
dated 13/10/2022 in CRL MP(MD)
No.12196/2022 in CRL OP(MD) No.16740/2022.**

**Time is Extended by two weeks from the
date of receipt of a copy of this order.**

/ TRUE COPY /

/10/2022

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

SJI

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

TO BE SUBSTITUTED WITH THE ORDER DATED 21/09/2022 ALREADY DESPATCHED.

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1. The Judicial Magistrate No.II,
Virudhunagar, Virudhunagar District.
 2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputhur.
 3. The Inspector of Police,
District Crime Branch,
Virudhunagar District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to MR.N.MOHIDEEN BASHA, Advocate SR.No.11398(I)

ORDER

IN

CRL OP(MD) No.16740 of 2022

Date : 21/09/2022

TR/GB/SAR-I (30.09.2022) 4P 6C

dss

PKP/GB/SAR-2/26.10.2022/4P/6C