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CRL OP(MD). N



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

Date : 23/09/2022

PRESENT

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

CRL OP(MD). No.16681 of 2022

Balasubramanian ... Petitioner/Sole Accused

Vs

State Rep by
The Inspector of Police,
Karimedu Police Station, Madurai City.
Crime No.437 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Maran M,

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.437 of 2022 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 447, 506(i) IPC and Section 4 of TNPHW Act and Section 67 of Information Technology Act, in Crime No.437 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working in Muthoot Mini Finance, Arapalayam Branch. The Zonal Manager/petitioner usually harassed the senior staff and the defacto complainant through conference call and phone call. Hence, the complaint.



3. On the side of the petitioner, it is stated that the petitioner, as a Zonal Manager used to give instructions to his staff through conference call, being dissatisfied, a false case was foisted against the petitioner. Hence, prays to release him on anticipatory bail.

4. On the side of prosecution, it is stated that the allegation against the petitioner is that he used to harass the staff, including the defacto complainant through conference call. The petitioner is not having any bad antecedent. Prays to dismiss the petition.

5. Considering the overt act attributed against the petitioner and facts and circumstances of the case and also the fact that the petitioner is not having any antecedent at his credit, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, 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 Judicial Magistrate No.V, Madurai, 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 daily at 5.30pm 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.

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

PNM

TO

1. The Judicial Magistrate No.V, Madurai
2. Do Through The Chief Judicial Magistrate,
Madurai.
3. The Inspector of Police,
Karimedu Police Station, Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.MARAN, Advocate (SR-10570[I] dated 27/09/2022)

ORDER

IN

CRL OP(MD) No.16681 of 2022

Date : 23/09/2022

TR/GB/SAR-I(30.09.2022) 3P 6C