



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2022

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PRESENT

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

CRL OP(MD). No.16759 of 2022

Rajiv Gandhi, ... Petitioner/Accused Rank Not known

Vs

State Rep.by

The Inspector of Police,
Kannivadi Police Station,

Dindigul District.

Crime No. 153 of 2022.

... Respondent/Complainant

For Petitioner : M/s. Sathya Chidambaram S, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.153 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 324, 341 and 363 of IPC, in Cr.No.153 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 30.06.2022, at about 10.30 p.m., when the de-facto complainant and one Zahir Hussain returned the home in a bike, the petitioner and others follow them by car and stopped them and sprinkle the chilli powder on the de-facto complainant's eyes and kidnapped the said Zahir Hussain and also escaped from the spot. Hence, the complaint.

3.The learned counsel for the petitioner would submit that due to money transaction dispute, a false case was foisted against the petitioner and he is innocent and he has not committed any offence



as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is a case of money transaction dispute. He would further submit that totally four accused in this case and this petitioner is arrayed as A1 and A3 and A4 were already arrested and released on bail by the learned Judicial Magistrate, Athoor, Dindigul District.

5.Considering the fact that there existed money transaction dispute between the parties and on considering the fact that the co-accused were already arrested and released on bail by the learned Judicial Magistrate, Athoor, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040]** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Athoor, Dindigul District.

7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Athoor, Dindigul District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner 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 petitioner in accordance with law as if the conditions



have been imposed and the petitioner released on bail by the 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/09/2022

/ TRUE COPY /

/09/2022
Sub-Assistant Registrar (C.S.)
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,
ATHOOR, DINDIGUL DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
KANNIVADI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
MADURAI BENCH OF MADRAS HIGH COURT ADVOCATES
WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT ,
MADURAI

ORDER
IN
CRL OP(MD) No.16759 of 2022
Date :19/09/2022

SJI
PKP/VR/SAR-1/23.09.2022/3P/6C

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