



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18755 of 2021

N.Venkatesh

... Petitioner/Accused

Vs.

State rep.by

The Inspector of Police,
Dindigul Town North Police Station,
Dindigul District.

(Crime No.1134 of 2021)

... Respondent/Complainant

For Petitioner : M/s.D.Venkatesh, Advocate.

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

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

PRAYER :-

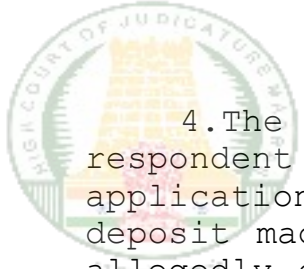
For Anticipatory Bail in Crime No.1134 of 2021 on the file of the Respondent police.

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 468, 420 and 506(i) IPC, in Crime No.1134 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the petitioner and his family members, due to which, the petitioner threatened the defacto complainant with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.



4.The Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner has submitted an application to withdraw the amount of Rs.1 lakh available in fixed deposit made by the deceased father along with no objection letter allegedly given by the defacto complainant, who is none other than the brother of the petitioner, that the petitioner has forged the signature of the defacto complainant and attempted to receive the amount and that when the same was questioned by the defacto complainant, the petitioner threatened him with dire consequences and that therefore, the defacto complainant was constrained to lodge the above complaint.

5.The matter was referred to mediation and since the mediation was not successful, the matter was ordered to be returned.

6.The learned counsel for the petitioner would submit that though application was submitted, since the defacto complainant raised certain objections, the petitioner has not received the amount from the Bank and the petitioner is ready to file an affidavit undertaking that he will not take any steps to get the amount from the Bank.

7.Considering the facts and circumstances of the case and also fact that the fixed deposit amount was not received by the petitioner and also the submission of the learned counsel for the petitioner, that the petitioner will file an undertaking affidavit before the Magistrate that he will not receive the amount, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, 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 No.II, Dindigul, 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 the respondent police daily at 10.30 am for a period of one month, thereafter, as and when required for interrogation.

[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 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]**.

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

Sd/-
22/02/2022

/ TRUE COPY /

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

ORDER
IN
CRL OP(MD) No.18755 of 2021
Date :22/02/2022