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CRL OP(MD). N



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

Date : 29/09/2022

PRESENT

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

CRL OP(MD). No.17430 of 2022

1. Sethuraman
2. Ravichandran

... Petitioners/Accused Nos.3 &4

Vs

The State rep.by,
The Inspector of Police,
Edayakottai Police Station,
Dindigul District.
Crime No.32 of 2022

... Respondent/Complainant

For Petitioners : M/s.Karthick.R.J.,
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.32 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420, 417 and 506(i) of IPC, in Crime No.32 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant namely Manivel is an agriculturist. On 31.08.2021, the accused persons made a contract with the defacto complainant that they are willing to buy the onions for a sum of Rs.5,07,990/-. In view of the same, they gave an advance amount of Rs.74,500/- and then they promised to give a balance amount on 10.09.2021. On such assurance, the defacto complainant delivered the onions to the accused persons. The first accused voluntarily made a promissory note to the defacto complainant in Tirupur to give a remaining amount on 10.09.2021. The second accused has signed as witness in the promissory note.

<https://www.mca21.gov.in>



Thereafter, they have cheated the defacto complainant, abused in filthy language and also threatened him. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the alleged occurrence had happened between the defacto complainant and the accused Nos. 1 and 2. The petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the allegation against the petitioners is that when the defacto complainant called the first accused over phone, they have scolded him in filthy language and also threatened him. He would further submit that no previous case is pending against the petitioners and the investigation is not yet completed. Hence, he strongly opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are not having any bad antecedents, 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 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, Ottanchatram, 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 as and when required for interrogation

(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 Magistrate/Trial Court himself as laid down by the Hon'ble



Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) 5560]**; and;

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

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29/09/2022

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/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

ORDER
IN
CRL OP(MD) No.17430 of 2022
Date : 29/09/2022

cp
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