



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.19273 of 2021

M. Venkatesan

... Petitioner/Accused No.5

Vs

State rep.by
The Inspector of Police,
Peraiyur Police Station,
Peraiyur,
Madurai District.
(Crime No.335 of 2021).

... Respondent/Complainant

For Petitioner : M/s.S.M.Arun Kumar, Advocate.

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

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

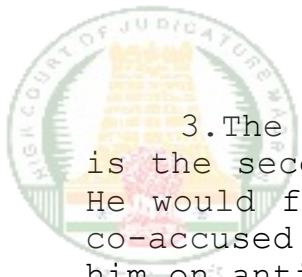
PRAYER :-

For Anticipatory Bail in Crime No.335 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 147, 452, 294(b), 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act r/w Sections 3, 4 of Tamil Nadu Prevention of Charging Exorbitant Interest Act, in Crime No.335 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was money dispute between the parties, due to which, the petitioner and other accused persons criminally trespassed into the house of the defacto complainant and taken away documents, which was kept in her house and also threatened her with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioner would submit that this is the second bail petition and the earlier petition was dismissed. He would further point out the change of circumstances as that the co-accused was enlarged on bail. On this ground, he seeks to release him on anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the release of co-accused could not be considered as change of circumstances. All the accused persons were engaged in demanding exorbitant interest and committed the above said offence. The investigation is not yet completed.

5. Reading of FIR shows that all the accused committed the above said offences, by way of demanding exorbitant interest. This is the second bail petition. The earlier bail petition was dismissed by this Court in Crl.OP(MD)No.18112 of 2021 on 19.11.2021, on the ground that the allegation against this petitioner is serious in nature, that the co-accused were in judicial custody and that the investigation is not yet completed. The learned counsel for the petitioner would submit that the co-accused in this were enlarged on bail in Crl.M.P.No.5877, 6274 of 2021, by the Principal District Judge, Madurai. In the said order, as far as the first accused Vadivel is concerned, petition was dismissed and other accused viz., Murugan was enlarged on bail.

6. Considering the facts and circumstances of this case, that the nature of charges levelled against the petitioner is also very same, as that of the Murugan, who arrayed as fourth accused in this case and also enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

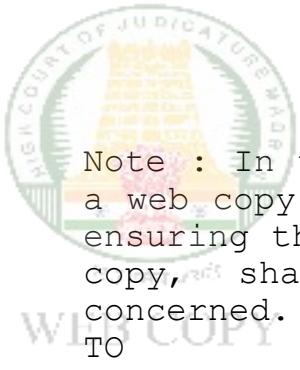
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Peraiyur and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 am for a period of 30 days, thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
05/01/2022

/ TRUE COPY /

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

ORDER
IN
CRL OP(MD) No.19273 of 2021
Date :05/01/2022

SP/VR/SAR II/11/01/2022/3P/5C