



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2022

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PRESENT

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

CRL OP(MD) . Nos.18755 and 18756 of 2022

Vijayaraghavan

... Petitioner/Accused No.1
in Cr1.O.P(MD).No.18755/22

Mangaleswari

... Petitioner/Accused No.2
in Cr1.O.P(MD).No.18756/22

Vs

The State represented by
The Sub Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District
(Crime No.208 of 2022)

... Respondent/Complainant
in both O.Ps.

(IN BOTH CASES)

For Petitioner : Mr.M.Jothi Basu
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Cr1.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.208 of 2022 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of
the respondent police for the offence punishable under Section 306
IPC in Crime.No.208 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the deceased has
borrowed a goods from A1 to a value of Rs.1,77,000/- and paid the
same. But, A1 has received the cheque for Rs.11,27,000/- from the
deceased and initiated 138 Negotiable Instruments Act against him

<https://www.mca.gov.in/judis>



and hence, the deceased has committed suicide. complaint.

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3. The learned counsel for the petitioners would submit that the petitioners are husband and wife and they are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and he seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that five witnesses have been examined and the remaining witnesses are yet to be examined and hence, he strongly opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that five witnesses have been examined, 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukottai 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 appear before the respondent police daily at 10.30 am until further orders.

(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 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.

sd/-
20/10/2022

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/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ARUPPUKKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2. CC to M/S.JOTHI BASU M Advocate SR.No.11859, 11858

ORDER
IN
CRL OP(MD) No.18755
& 18756 of 2022
Date :20/10/2022

SS/SSS/SAR I/03/11/2022/ 3P 7C