



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2022

PRESENT

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

CRL OP(MD) . No.19212 of 2022

1. Anandh @ Anandharaj
2. Theivanai

... Petitioners/Accused

Vs

State rep.by
The Sub Inspector of Police,
Aundipatti Police Station,
Theni District.
(Crime No.276/2022).

... Respondent/Complainant

For Petitioners : M/s.Rajan G, 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.276/2022 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 offences punishable under Sections 294 (b) and Section 4 of Tamil Nadu Prohibition of Exorbitant Interest Act, 2003 in Crime No.276 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have demanded more interest from the de facto complainant for the amount received by him. Due to the said money dispute, there was a wordy quarrel arose between the petitioners and the defacto complaint. hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners have already granted anticipatory bail by the Principal Sessions Judge, Theni, on 25.08.022, but, due to some unavoidable circumstances, the petitioners have not complied with the said conditions and seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit earlier the petitioners have granted anticipatory bail before the Sessions Court, but, he failed to comply the same. He would further submit that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, 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 their 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, Aundipatti, 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) Each of the petitioners are directed to deposit a sum a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.276 of 2022 before the Court concerned without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

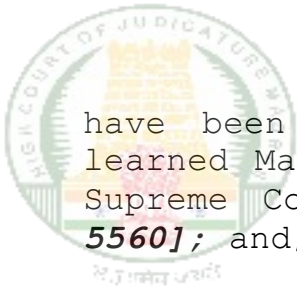
b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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 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;

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

Sd/-
31/10/2022

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/11/2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. THE JUDICIAL MAGISTRATE,
AUNDIPATTI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
AUNDIPATTI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAJAN G Advocate SR.No.12123

ORDER
IN
CRL OP(MD) No.19212 of 2022
Date :31/10/2022

SP/GB/SAR III/08/11/2022/3P/6C