



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2022

PRESENT

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

CRL OP(MD) . No.19221 of 2022

Francisca Soren Sja

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Thiruchendur Police Station,
Tuticorin District.
(in Crime No.284/2019).

... Respondent/Complainant

For Petitioner : M/s.Ramasamy.S., 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.284/2019 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 406, 420 and 120(B) IPC in Crime.No.284 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the previous correspondent of the petitioner entered into agreement with the defacto complainant for transportation of the school students and staffs. Since the agreement was over, a new agreement was made on 29.04.2014. After some years, the defacto complainant violated the terms and conditions and that there was a dispute arose between them. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the present case is purely civil in nature and the petitioner is innocent and his name has been falsely implicated in this case.

WEB COPY

4. The learned Government Advocate (Crl. Side) would submit that totally three accused involved in this case and the petitioner herein is arrayed as A1 and the co-accused was released on bail. He would further submit that investigation was completed and the charge sheet has also been filed and the same was taken on file as C.C.No.44 of 2020 on the file of the Judicial Magistrate, Thirupathur.

5. Considering the facts and circumstances of the case and also considering the fact that the co-accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruchendur, on condition that the petitioner shall execute 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 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the concerned Court on each and every hearing date without fail;

(c) the petitioner shall not tamper with 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]**; and;



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

WEB COPY

/ TRUE COPY /

Sd/-
01/11/2022

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

TRP

TO

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

ORDER
IN
CRL OP(MD) No.19221 of 2022
Date :01/11/2022

SP/GB/SAR I/08/11/2022/3P/5C