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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.19987 of 2022

Siva Krishna Kumar @ Krishnakumar ... Petitioner/ (*)Accused No.4

Vs

The State rep.by,
The Inspector of Police,
Central Crime Branch,
Madurai City.
Crime .No.8/2021.

... Respondent/Complainant

(*)Amended as per order of the
Court dated 28.11.2022 in CRL MP
(MD)No.14458 of 2022 in CRL OP(MD)
No.19987 of 2022

For Petitioner : M/s.Barathan.J
Advocate.

For Respondent : K.Sanjai Gandhi
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 8/2021 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioner/A4 who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections
406,420,120(b) and 506(i) of IPC in Crime No.8 of 2021 on the file
of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant
is that he is a textile agent and the first accused was running a
textile business in Madurai and the defacto complainant as an agent
supplied goods belonging to various persons to the tune of Rs.60
lacs and when the petitioner demanded money the first accused and



his family members had agreed to give the property and had executed an usufructuary mortgage and handed over the property. The further allegation is that the accused had sold the property suppressing the agreement. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case since he happens to be son of the main accused. He would further submit that the first accused who is the father of the petitioner was running a textile business and he suffered huge loss in the business and he suffered paralysis and he is immobilized. The father of the petitioner had sold the house property and settled to all the sundry debtors. He would further submit that during the relevant point of time the petitioner was an engineering student and he was not looking out his father's business. In order to recover money from the family members of the petitioner, the defacto complainant has falsely implicated this petitioner as if the petitioner is also aware of the transaction between him and his father. He would further submit that even taking into consideration the facts of the complaint it is only a case of commercial transaction which has been attempted to be given criminal colour and under the threat of arrest, the defacto complainant is taking steps to recover money. Hence he prays anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.side) would submit that the petitioner is the son of A1. The petitioner along with his father induced the defacto complainant and made the defacto complainant to supply goods to the tune of Rs.60 lakhs and thereafter they have not repaid the amount. When the defacto complainant demanded the same the petitioner and his family members have executed a deed stating that they would sell their property and give the amount, whereas suppressing the same they have sold the property. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made, 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.I, Madurai**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned



Magistrate concerned, failing which, the petition for ant. bail shall stand dismissed and on further condition 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 report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 10.30 until further orders

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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

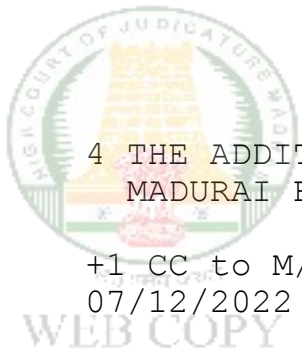
AAV

TO

1.THE JUDICIAL MAGISTRATE NO.I,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI CITY.



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-14453[I] dated
07/12/2022)

ORDER

IN

CRL OP(MD) No.19987 of 2022

Date :06/12/2022

RK/VR/SAR-4 (09/12/2022) 4P/6C