



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.20178 of 2022

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Sudhagar @ Sudhaji ... Petitioner/Sole Accused
Vs

The State Rep.by
The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
(Crime No.186/2022).

... Respondent/Complainant

For Petitioner : M/s.Antony Arul Raj T,
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 Cr.No.186/2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
294, 506(ii) and 420 of IPC, in Crime No.186 of 2022, seeks
anticipatory bail.

2.The case of the prosecution is that the petitioner approached
the defacto complainant and demanded loan of Rs.2 lakh by giving 72
grams of gold jewels as security. The defacto complainant, pledged
his own jewels in a bank and obtained loan. Thereafter, given the
same to the petitioner. In the mean time, one Mariselvam, who is the
friend of the defacto complainant demanded loan from the defacto
complainant for the purpose of purchasing Auto-Rickshaw. Since the
petitioner not having any amount, he demanded amount from the
petitioner. He also not having amount. Hence, he agreed to pledge
the jewel, which was already given to the defacto complainant. The
above said Mariselvam pledged the jewels of the petitioner in
Muthood Finance and obtained a sum of Rs.46,000/-. Thereafter, it
was informed by the officials of the Muthood Finance that the
pledged jewels were fake jewels and insisted him to return the same
by paying the amount with interest. Failing which, he has to face
criminal act. Hence, the above said Mariselvam has paid the amount
with interest and redeemed the jewels. On 01.10.2022, at about 10.30
the defacto complainant enquired about the above said



occurrence, the petitioner said to have abused the complainant in filthy language and threatened him with dire consequence by showing aruval. 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. He would further submit that actually, the amount of Rs.2 lakh was lent by the petitioner to the defacto complainant. The defacto complainant has already lodged a complaint before the Manur Police Station stating that the very same averments. On enquiry, they found that the defacto complainant is liable to pay Rs. 2 lakh. On that basis, they closed the complaint. Now, the defacto complainant lodged the second complaint on the very same averments. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the investigation in this case is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.186 of 2022**, without prejudice to his rights and contentions before the trial Court;

7.On production of such receipt, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, 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 learned Magistrate concerned and on further conditions that:

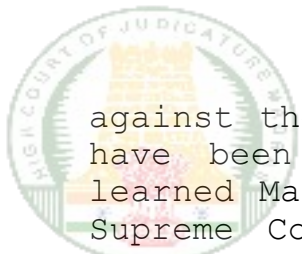
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am 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]**; and;

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

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15/11/2022

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

DSS

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 No.III,
Tirunelveli.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Devarkulam Police Station, Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.20178 of 2022

Date :15/11/2022

RD/VR/SAR-I(24/11/2022) 3P 5C