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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2022

PRESENT

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

CRL OP (MD) . No.20633 of 2022

Thangaraj

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
(Crime No.314 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Bharathi C, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

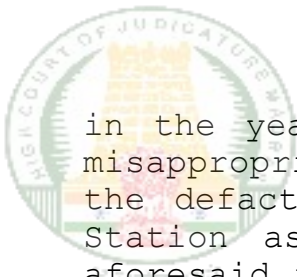
For Anticipatory Bail in Crime No.314 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 146, 427, 448, 294(b), 324 and 505(ii) of IPC and Section 4 of Prohibition of Harassment of Women Act, 2000, in Crime No.314 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant along with the petitioner and others had running a finance company in the name and style of Srivari Finance at P.K.Complex, Manapparai,

<https://www.mhc.tn.gov.in/judis>



in the year 2015. Further, the petitioner and other accused has misappropriated a sum of Rs.80 lakhs in the said company. As such, the defacto complainant lodged a complaint with Manapparai Police Station as well as District Crime Branch, Trichy. Due to the aforesaid issue, on 24.08.2021, when the defacto complainant went to the Finance Company, at that time, the petitioner and others abused the defacto complainant and assaulted by pulling her saree and made life threat by showing the iron rod. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not liable to pay any amount to the defacto complainant. The petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner did not commit any offence as alleged by the prosecution. However, the petitioner shall abide any condition imposed by this Court and hence, he may be granted anticipatory bail.

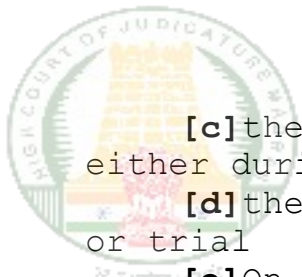
4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner, who is the partner in the Finance Company had swindled an amount to the tune of Rs.80,00,000/- and while so, the petitioner and others, who entered into the finance company and scolded and threatened the defacto complainant. He would further submit that the injured has been discharged from the hospital and the petitioner is not having any previous case. However, considering the gravity of the offence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the injured has already been discharged from the hospital and the petitioner is not having any bad antecedents, 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 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, Manapparai, Trichirappalli District, 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the Inspector of Police, Thuvankurichi police Station, Trichy District, at 10.30 a.m., until further orders;



[c]the petitioner shall not tamper with the 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 229-A IPC.

Sd/-

22/11/2022

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/12/2022

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

CP

TO

1. THE JUDICIAL MAGISTRATE,
MANAPPARAI, TRICHIRAPPALLI DISTRICT.
 2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 3. THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.
 4. THE INSPECTOR OF POLICE,
THUVARANKURICHI POLICE STATION,
TRICHY DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.BHARATHI C Advocate SR.No.13419

ORDER

IN

CRL OP(MD) No.20633 of 2022

Date :22/11/2022