



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

Date : 05/01/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.230 of 2023

1.Rengaraj  
2.Yokesh  
3.Suresh Kumar  
4.Hariprasath  
5.Ramkumar

... Petitioners/Accused No.1 to 5

Vs.

The State rep. by  
The Inspector of Police,  
Tirunelveli Junction Police Station,  
Tirunelveli, Tirunelveli District  
(Crime No.349 of 2022)

... Respondent/Complainant

For Petitioners : Mr.B.Jeyakumar  
For Respondent : Mr.M.Veeranthiran  
Government Advocate (Crl.side)

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

PRAYER :-

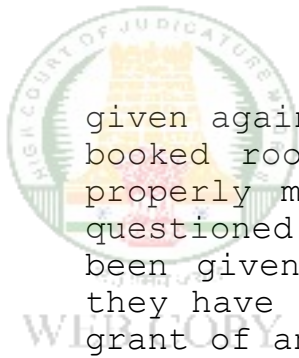
For Anticipatory Bail in Crime No. 349 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No. 1 to 5, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 427 and 420 I.P.C in Crime No.349 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Mayil Vahanan is that the accused had booked and used 15 rooms in the hotel in which the defacto complainant is working as Manager and they had vacated the rooms without paying the room rent and they have also damaged the wall portion in the interior area to the tune of Rs.15,000/-. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and a false complaint has been



given against them. He would submit that the petitioners' friends had booked rooms in the hotel for a marriage and the rooms were not properly maintained by the hotel management. When the petitioners questioned the same, there was a fight and a false complaint has been given as if the petitioners have not paid the room rent and they have damaged the wall portion in the room. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned counsel for the petitioners would also submit that the petitioners had booked nearly 120 rooms in various other hotels also and they have spent Rs.30 lakhs for the marriage. He would submit that since the defacto complainant's claim regarding the room rent is not fair and correct, dispute arose. The learned counsel for the petitioners would fairly concede that a sum of Rs.15,000/- remains to be paid and without prejudice to their rights and contentions, to show their *bonafides*, the petitioners are ready to deposit Rs.15,000/- to the credit of crime number before the court.

5. The learned Government Advocate (Crl.Side) submitted that the defacto complainant is working as the Manager in the Hotel in which the accused have booked 15 rooms for marriage and they have not paid the room rent and they have also damaged the interior wall portion in the hotel. Hence, he prays to dismiss this application.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of 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 No.4, Tirunelveli, Tirunelveli District**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with **one surety** 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 anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners shall jointly in total deposit Rs.15,000/- (Rupees fifteen thousand only) to the credit of Crime No.349 of 2022 before the Judicial Magistrate No.4, Tirunelveli, Tirunelveli District, without prejudice to their rights and contentions;



[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 Station everyday at 10.30 a.m for a period of one week and thereafter as and when required for interrogation;

[d] the petitioners shall not tamper with the 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
05/01/2023

/ TRUE COPY /

/01/2023

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

CM  
TO

1. The Judicial Magistrate No.4, Tirunelveli, Tirunelveli District

2. Do Through The Chief Judicial Magistrate, Tirunelveli.

3.The Inspector of Police,  
Tirunelveli Junction Police Station,  
Tirunelveli,Tirunelveli District

4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.JEYAKUMAR B ---, Advocate ( SR-285[I] dated 06/01/2023 )

ORDER IN  
CRL OP(MD) No.230 of 2023  
Date : 05/01/2023

TR/BUC/SAR-IV(20.01.2023) 3P 6C

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