



WEB COPY

CRL OP(MD)



23

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

Date : 07/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.237 of 2023

1. Salomon Selvakumar
2. Alippu Pushpam
3. P.Vasanthi @ Ebhen Rajakumari ... Petitioners / Accused No.3

Vs

The State rep by
The Inspector of Police,
Puliankudi Police Station,
Tenkasi District.
(Crime No.485 of 2022).

... Respondent / Complainant

For Petitioners : M/s.B,Karuppasamy, Advocate.

For Respondent : Mr.R.M,Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.485 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 406,420 and 506(i) of I.P.C., in Crime No. 485 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the defacto complainant availed a loan of Rs.25 lakhs from the first accused by pledging her jewels and thereafter the defacto complainant refunded some amount to the first accused and she was unable to pay the balance amount along with



interest and hence a wordy quarrel arose in and there on 09.08.2022 he threatened her with dire consequences and further since her complaint was not taken by the respondent police she has approached the learned Magistrate and the case has been registered on the direction of the learned magistrate as per section 156(3) of Cr.P.C.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the money transaction has been given a criminal colour, hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to some dispute regarding money transaction the petitioners herein threatened the defacto complainant with dire consequences.

5. It is seen that the complaint has been filed before the learned Judicial Magistrate, Sivagiri and on the direction issued by the learned Magistrate under section 156(3) of Cr.P.C the case has been registered. The entire occurrence took place in the year 2022, therefore custodial interrogation of the petitioners is not required, hence this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

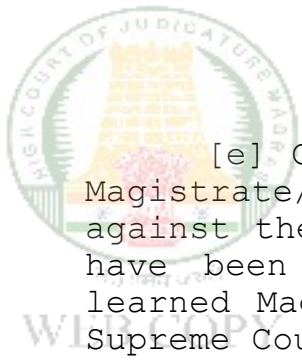
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Sivagiri, Tenkasi District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 anticipatory 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 petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

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

sd/-
07/03/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

1.The District Munsif cum Judicial Magistrate,
Sivagiri, Tenkasi District,

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Puliankudi Police Station,
Tenkasi District.

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

+1. CC to M/S.KARUPPASAMY B Advocate SR.No.3573(I), dated
07/03/2023.

ORDER
IN
CRL OP(MD) No.237 of 2023
Date :07/03/2023

ED/CG/SAR- 2(13/03/2023) 3P 6C