



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.228 of 2023

WEB COPY

1.Sivakumar

2.Mukelan

3.Muneeshwaran

...Petitioners/Accused Nos. 1 to 3

-vs-

The State represented by
The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District.
(Cr.No.153 of 2022)

...Respondent/Complainant

For Petitioners : Mr.M.Karunanithi, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

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

PRAYER:

Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.153 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 294(b), 323, 341, 342, 355 and 506(i) of IPC in Crime No.153 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Solairaj, is that he borrowed a personal loan from the Bajaj Finserv and the accused persons, who are the staff of Bajaj Finserv, have trespassed into the de-facto complainant's house and abused him with filthy language and assaulted him and threatened him with dire consequences. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He submit that the petitioners are the employees of Bajaj



Finserv and the de-facto complainant has borrowed a loan from the said company and has not repaid the amount and on instructions from the company, the petitioners have asked the de-facto complainant to repay the loan, whereas, a false complaint has been given. He would further submit that the petitioners are youngsters and were appointed very recently and they are degree holders. He would pray for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the de-facto has borrowed a personal loan from the Bajaj Finserv and the accused persons, who are the staff of Bajaj Finserv, have trespassed into the de-facto complainant's house and abused him in filthy language and assaulted him and threatened him with dire consequences. He would oppose for grant of anticipatory bail to the petitioners.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 Judicial Magistrate No.II, Virudhunagar, Virudhunagar District, on condition that the petitioners shall execute 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:

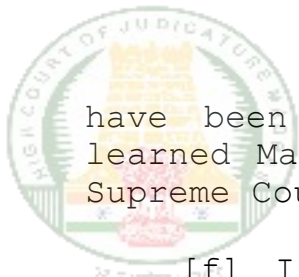
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders.

[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. 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/-

05/01/2023

/ TRUE COPY /

/01/2023

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

CMR

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR , VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
VIRUDHUNAGAR EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.KARUNANITHI M , Advocate (SR-294[I] dated 06/01/2023

ORDER

IN

CRL OP(MD) No.228 of 2023

Date :05/01/2023

PKP/MMS/SAR-4/12.01.2023/3P/6C