



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2023

PRESENT

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

CRL.O.P(MD)No.535 of 2023

WEB COPY

Balasubramanian

... Petitioner/Accused No.1

-vs-

The State represented by
The Inspector of Police,
Nagamalai Pudukottai Police Station,
Nagamalai,
Madurai District.
(in Cr.No.195 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No. 195 of 2022.

For Petitioner : Mr.Niranjan S.Kumar, Advocate

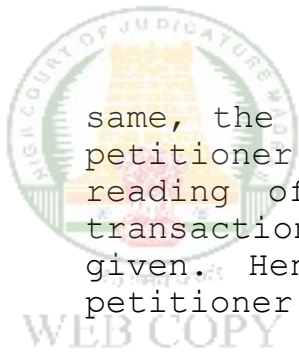
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 406, 420, 294(b), 506(i) IPC in Crime No.195 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Sornam is that the accused had borrowed an amount of Rs.12 lakhs on 06.11.2019 for starting Sri Athiraj Aqua Farm and they have also executed a bond. While so, in December 2019, the accused closed the business and when the defacto complainant asked for return of money, they have threatened him. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner borrowed money from the defacto complainant, who is an usurious money lender and the petitioner has repaid the principal amount along with interest whereas the defacto complainant, who is an usurious money lender, has threatened the petitioner in respect of which the petitioner has given a complaint to the Assistant Commissioner of Police (L & O), Sellur Police Station, Madurai on 11.09.2020. On coming to know the



same, the defacto complainant has given a false complaint and the petitioner has cheated him. He would further submit that even a reading of the FIR would go to show that it is purely money transaction, which is exaggerated and a criminal complaint has been given. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner under the guise of running a business has received a sum of Rs.12 lakhs from the defacto complainant and cheated him. He would further submit that on the basis of the earlier complaint, enquiry was conducted and during such time, the accused had agreed to settle the amount. Hence, he opposes for grant of anticipatory bail.

5. Heard. Perused the materials available on record including the FIR in Crime No.195 of 2022. Taking into consideration the facts and circumstances of the case, 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 on which the order copy made ready, before the learned Judicial Magistrate No.VI, Madurai, 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 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 petitioner shall report before the respondent police every Saturday 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



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

sd/-

23/01/2023

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/02/2023

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

CM

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
NAGAMALAI,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.NIRANJAN S.KUMAR, Advocate SR.No.1079

ORDER

IN

CRL OP (MD) No.535 of 2023

Date :23/01/2023

SA/VR/SAR.3/03.02.2023/3P/6C