



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.1119 of 2023

WEB COPY

Arokiyamary

...Petitioner /Accused No.7

-vs-

The State represented by
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
(in Cr.No.04 of 2023)

...Respondent/Complainant

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

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.04 of 2023.

For Petitioner : Mr.B.Vinoth Kumar, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b) and 506(i) of IPC and Section 5 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act in Crime No.4 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to money dispute, the accused persons have abused the de-facto complainant in filthy language and also threatened to kill him. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocents and a false complaint has been given. He would further submit that the de-facto complainant had borrowed an amount of Rs.50,000/- from the accused and the de-facto complainant has not repaid the amount and when it was questioned by the accused, a false complaint has been given. He would further submit that the petitioner is not a financier and he is prepared to abide by any condition that may be imposed by this Court. Hence, he



seeks for anticipatory bail.

4.The learned Government Advocate (crl. Side) appearing for the respondent would submit that due to money dispute, the accused have abused the de-facto complainant in filthy language and also threatened to kill him and hence, he would oppose for grant of anticipatory bail.

5.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 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, Vadipatti, 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 everyday at 10.30 a.m., 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 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/-

23/01/2023

/ TRUE COPY /

/01/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTI.

2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.VINOTHKUMAR.B Advocate SR.No.1031(I)

ORDER

IN

CRL OP(MD) No.1119 of 2023

Date :23/01/2023

VA/MMS/SAR-1/30.01.2023/2P/6C