



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.1460 of 2023

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M.Gunasekaran

...Petitioner/Accused No.1

-vs-

The State represented by
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(in Cr.No.3 of 2023)

...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.3 of 2023.

For Petitioner
For Respondent

: Mr.M.Murugesan, Advocate
: Mr.M.Veeranthiran
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 355, 379 (NP) and 506(ii) of IPC in Crime No.3 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 the first accused, M.Gunasekaran, who is a Village Assistant, had induced him for securing a job for his son in Aavin and had taken Rs.2,00,000/- from him and thereafter, since he had not secured the job for his son, he requested him to return back the money and he did not return the money to him. Thereafter, he has given complaints to several authorities and the accused did not appear fore enquiry. While so, on 01.01.2023, when the de-facto complainant along with his wife had gone to attend the funeral ceremony of his relative, the first accused along with his family members waylaid the de-facto complainant and his wife and abused them in filthy language and also attacked them with iron rod and wooden log and the accused have also snatched the three sovereigns of gold chain from the de-facto complainant. 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 there was a money dispute between the



petitioner and the de-facto complainant and thereby, the complaint has been given. He would further submit that the petitioner was working as Village Assistant and he is now suspended from service. He would further submit that the petitioner is ready to appear before the respondent for the purpose of enquiry.

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4.The learned Government Advocate (Crl.side) would submit that the petitioner has cheated the de-facto complainant to the tune of Rs.2,00,000/- under the guise of securing job to the de-facto complainant's son. Further, the petitioner and other accused have abused and attacked the de-facto complainant and also snatched three sovereigns of gold chain from the de-facto complainant. He would also submit that the petitioner is a Village Assistant. He would object for grant of anticipatory bail to the petitioner.

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, Melur, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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/-
25/01/2023

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/02/2023

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

CMR

TO

- 1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MURUGESAN.M Advocate SR.No.1243

ORDER

IN

CRL OP(MD) No.1460 of 2023
Date :25/01/2023

SA/SSS/SAR.1/01.02.2023/3P/6C