



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

PRESENT

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

CRL.O.P(MD)No.2480 of 2023

WEB COPY

1.A. Jesuchandrasekar
2.Arokiasamy

... Petitioners/Accused rank not known

-vs-

The State represented by
The Inspector of Police,
Ambadurai Police Station,
Dindigul District.
(Cr.No.13 of 2023)

... Respondent/Complainant

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.13 of 2023 on the file of the respondent Police.

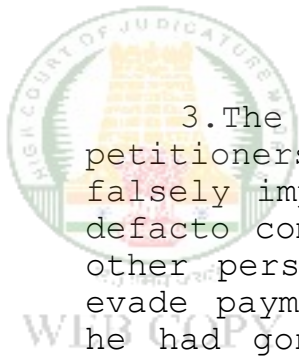
For Petitioners : Mr.S.Sarvagan Prabhu, Advocate

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under **(*)Section 147, 323, 363 of IPC** in Crime No. 13 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that she and her husband joined in a new Brick Kiln, which was run by one Santhiyagu and got Rs.1,50,000/- to clear the salary advance earlier obtained from the erstwhile owners, the petitioners herein and her husband repaid only a sum of Rs.1 lakh and thereafter, her husband left the home and on getting information, the defacto complainant along with the first petitioner and the said Santhiyagu went to the place, where he was sleeping in an inebriated condition and they brought him to the Brick Kilm and on the next day, the petitioners informed that her husband escaped from there. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and the defacto complainant has falsely implicated them in this case. The fact remains is that the defacto complainant's husband owes money to the petitioners and two other persons from whom he has taken huge amount and in order to evade payment, the defacto complainant's husband had absconded and he had gone away and to put pressure on the petitioners and to prevent them from asking amount, a false complaint has been given. He would further submit that based on the interim protection given to the petitioners, they have appeared before the respondent police for enquiry. He would also submit that the alleged missing person had earlier appeared before the Dindigul Talenquiry, he has also gone to Tambaram and he is now in Tambaram. Hence, he would pray for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the defacto complainant's husband has been traced at Tambaram in Chennai and he is alive.

5.Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, 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.3, Dindigul, Dindigul 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 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 by the learned Magistrate/Trial Court himself as laid down by the Hon'ble



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

sd/-

16/02/2023

(*) Amended as per Order of this Hon'ble Court dated 15/03/2023 in Crl.MP(MD).4274/2023 in CRL OP (MD) No.2480 of 2023.

Further two week time is granted to the petitioner to comply with the conditions imposed by this Court from the date of receipt of a copy of this order as last chance.

/ TRUE COPY /

/02/2023

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

CM

TO

TO BE SUBSTITUED WITH THE ORDER DATED 16/02/2023 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.3,
DINDIGUL.

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

3 THE INSPECTOR OF POLICE
AMBADURAI POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to M/S.SARVAGAN PRABHU S Advocate SR.No. 4277 (I) dated 15/03/2023

ORDER

IN

CRL OP(MD) No.2480 of 2023

Date :16/02/2023

VA/BUC/SAR-1/27.02.2023/3P/6C
SS/BUC/SAR III/10.04.2023/3P 6C