



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT



(Criminal Jurisdiction)

Wednesday, the First day of March Two Thousand and Twenty Three

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.3696 of 2023

Aruljothi

...Petitioner/Accused No.2

-vs-

State represented by
The Inspector of Police,
Ammayanaickanur,
Dindigul
in Crime No.22 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.22 of 2023.

For Petitioner
For Respondent

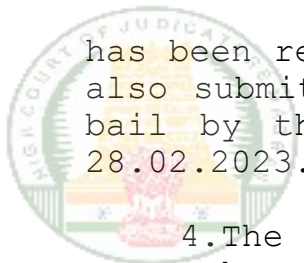
: Mr.Niranjana S.Kumar, Advocate
: Mr.K.Sanjay Gandhi
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 406, 420, 294(b) and 506(i) IPC in Crime No.22 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 28.12.2019, the de-facto complainant's wife Sumathi was contesting for President in the Local Body Panchayat Election, the accused had approached the de-facto complainant stating that the Election Officer is the close relative of them and if he pay a sum of Rs.41,00,000/-, they can make arrangement declaring the de-facto complainant's wife, Sumathi as Panchyat President. Believing the words of the accused, he paid the amount. But the petitioner and the other accused not acted as promised and also not repaid the amount. When it was questioned, the petitioner and other accused abused the de-facto complainant in filthy language. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given on account of political motive. He would further submit that the de-facto complainant had threatened the other accused, who belong to the Scheduled Caste community and on the complaint given by the accused in the present case, a case in Crime No.677 of 2021



has been registered against the de-facto complainant party. He would also submit that the accused 1 and 3 were arrested and entered on bail by this Court in CrI.O.P(MD)No.3855 of 2023 by order dated 28.02.2023. He would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI.side) appearing for the respondent would submit that it is a case and case in counter. He would further submit that the allegation is that the accused have received a sum of Rs.4,00,000/- from the de-facto complainant for declaring the de-facto complainant's wife as a Panchayat President and thereafter, without declaring as President and cheated him. Hence, he would object for grant of bail.

5.Heard and perused the materials available on record.

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, Nilakottai, Dindigul 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., for a period of two weeks and thereafter, 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 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/-

01/03/2023

/ TRUE COPY /

/03/2023

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



TO

1 THE JUDICIAL MAGISTRATE
NILAKOTTAI,
DINDIGUL.

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

3 THE INSPECTOR OF POLICE
AMMAIYANAikanur,
DINDIGUL.

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

+1. CC TO M/S.NIRANJAN S.KUMAR ADVOCATE SR.NO.3128.

ORDER

IN

CRL OP(MD) No.3696 of 2023

Date :01/03/2023

SI/SKN/SAR-1/08.03.2023) 3P/ 6C