



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/03/2023

PRESENT

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

CRL OP(MD) . No.3885 of 2023

A.Srinivasan

... Petitioner/Accused No.6

Vs

The State Rep by
The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District
(Crime No.16 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Joseph Jerry.A,Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.16 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 306, 116, 506(ii) I.P.C and Section 4 of TNPHW Act and Section 4 of TNPCEI Act in Crime No.16 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Suresh Pandi is that his younger brother Ramesh Kannan is running a textile shop and he got married and has a child. His wife Sankari was known to one Poovendiran during her college days. Since she married his brother, the said Poovendiran were antagonized and he had threatened his brother and demanded a sum of Rs.1 lakh. Whiles, the petitioner along with his Advocate Puratchimani and others have threatened his brother to transfer the shop in their names. Apart from them, one Poonusamy had also threatened his brother through phone and demanded meter interest for having



borrowed one lakh from him. Unable to bear those torts his brother had attempted to commit suicide. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the case. There is a delay in four days in giving the complaint. The defacto complainant and the victim were running a textile shop and had borrowed money from several persons in the village. In order to evade from payment, a false complaint has been foisted by them and the entire persons who have lent money to the defacto complainant and the victim were roped into the case. The petitioner has no claim as against the defacto complainant or his brother. He is ready to file an undertaking affidavit that he will not make any claim directly or indirectly against the defacto complainant or his brother. Hence, prays to release him on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner along with other accused persons demanded meter interest from the defacto complainant's brother and harassed them, due to which, the defacto complainant's brother has attempted to commit suicide by consuming poison. Now, the victim has been discharged from the hospital. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case, considering the overt act attributed against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Athoor**, 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 shall also file an undertaking affidavit before the trial Court that he will not make any claim against the defacto complainant or his brother, directly or indirectly;

[b]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;



[c] the petitioner shall report before the police everyday at 10.30 a.m., until further orders;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

WEB COPY [e] the petitioner shall not abscond either during investigation or trial;

[f] 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]**; and;

[g] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/03/2023

/ TRUE COPY /

/03/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE,
ATHOOR

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.

3 THE INSPECTOR OF POLICE
CHINNALAPATTI POLICE STATION,
DINDIGUL DISTRICT

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

+1cc to M/S A.Joseph Jerry, Advocate, Sr.No. 3212(I)

ORDER

IN

CRL OP(MD) No.3885 of 2023

Date :01/03/2023

PKP/VR/SAR-3/ (08.03.2023) /3P/5C

<https://www.mhc.tn.gov.in/judis>