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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.4347 of 2023

T.Sivamanikandan ... Petitioner / Accused

Vs

1.The Inspector of Police,
Vachakarapatti Police station,
in Crime No.37 of 2023
Virudhunagar Taluk,
Virudhunagar District. .. 1st Respondent / Complainant

2.V.Sivanesan ... 2nd Respondent/
Defacto Complainant

For Petitioner : Mr.N.Sundaresan, Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor (crl. side)

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

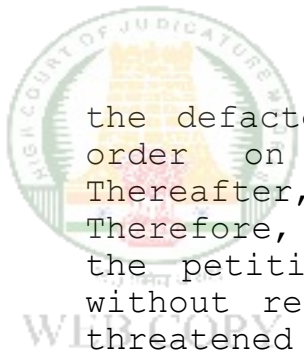
PRAYER :-

For Anticipatory Bail in Crime No.37 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 406, 420 and 506(i) of I.P.C., in Crime No.37 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the Managing Director of a Company called M/s.Ramji Steel building
<https://www.hq.mca.gov.in/jsp> Pvt Ltd at Arpukkottai. In the course of business dealings



the defacto complainant company M/s.RVP Builders had give order on 03.10.2022 for erection of Fabricated materials. Thereafter, the petitioner did not complete the work in proper. Therefore, the defacto complainant cancelled the order and requested the petitioner to return the balance materials. The petitioner, without return the same, abused the defacto complainant and also threatened him. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that all the allegations are civil in nature and the custodial interrogation of the petitioner is not required in this case.

5.In view of the above, 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 No.1, Virudhunagar, 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, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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].



CRL OP(MD)



23

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

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

CP

To

1.The Judicial Magistrate No.I,
Virudhunagar.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Maduria.

+1 CC to M/s.N.SUNDARESAN, Advocate (SR-3626[I] dated 08/03/2023)

ORDER
IN
CRL OP(MD) No.4347 of 2023
Date :07/03/2023

ED/BUC/SAR-1 (24/03/2023) 3P 6C