



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

Date : 20/03/2023

PRESENT

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

CRL OP(MD) . No.5142 of 2023

1. Kalarani

2. Senthikumar

... Petitioners / Accused No.1 & 2

Vs

1. State rep by
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
Crime No. 172 of 2022.

2. Sunish

3. The Inspector of Police,
District Crime Branch,
Tirunelveli District.

... Respondents / Respondents /
Complainants

For Petitioner : Mr.C.D. Johnson, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor for R1 & R3

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

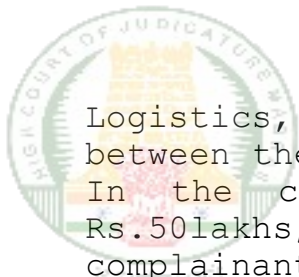
PRAYER :-

For Anticipatory Bail in Crime No.172 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 294(b), 406, 420 and 506(ii) of I.P.C., in Crime No.172 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant <https://www.mhc.tn.gov.in/dis> a quarry and he supplied materials to Sai Kirupa



Logistics, which belongs to A1, A2. There was business transaction between the parties, in which, there was money dispute between them. In the course of business transaction, there was a due of Rs.50lakhs, which has to be paid by A1, A2 to the defacto complainant. In order to settle the debt, they issued two cheques each for a sum of Rs.10lakhs, but the same were dishonoured, due to insufficient funds. Again on 21.03.2022, at about 09.00AM, the A1, A2 conspired together and requested the defacto complainant to supply materials in the vehicles of A3 to A6 and they would promised to settle the entire due, before the vehicles leaving his premises. Believing their words, the defacto complainant also loaded materials in the vehicles of A3 to A6, but the A1, A2 failed to pay the dues, as promised. Therefore, he asked A3 to A6 about the payment. They abused him in filthy language and also threatened him with dire consequences. When the nearby witnesses came to the spot, they fled the scene of occurrence. Hence, the complaint.

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

4.It is seen that the petitioners have earlier obtained anticipatory bail by this Court in Crl.O.P.(MD)No.13140 of 2022, dated 27.10.2022 on condition that the petitioners shall pay a sum of Rs.5,00,000/- (Rupees five Lakhs only) each to the credit of Crime No.172 of 2022 before the learned Magistrate. Subsequently, the petitioners have filed extension of time in Crl.M.P.(MD)No.15080 of 2022 before this Court and the same was allowed on 05.12.2022. Due to lock down of quarry business, the petitioners could not able to comply with the said condition within the time prescribed by this Court and hence, the petitioners are constrained to move the above application.

5.Taking into consideration of the facts and circumstances of the case and also the fact that the petitioners have already obtained anticipatory bail by this Court, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6.Accordingly, the petitioners shall pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) each to the credit of Crime No.172 of 2022, before the learned Judicial Magistrate, Valliyoor, without prejudice to their rights and contentions and produce the receipt before the trial Court.

7.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date on which the order copy made ready, before the learned Judicial Magistrate, Valliyoor, on condition that the petitioners shall execute a 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 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 first petitioner shall report before the respondent police as and when required for interrogation; and the second petitioner shall report before the respondent Police, daily 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 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/-
20/03/2023

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/03/2023

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

SJI

To

1.The Judicial Magistrate,
Valliyoor.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.

<https://www.mca.gov.in>



4.The Inspector of Police,
District Crime Branch,
Tirunelveli District.

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

+1 CC to M/s.C.D.JOHNSON, Advocate (SR-4558[I] dated 20/03/2023)

+1 CC to M/s.L.GERORGE PAUL ANTO, Advocate (SR-4622[I] dated
21/03/2023)

ORDER

IN

CRL OP(MD) No.5142 of 2023

Date :20/03/2023

ED/SBN/SAR-1 (29/03/2023) 4P 8C