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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/03/2023

PRESENT

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

CRL OP(MD) . No.5870 of 2023

1. V.Ashwin,

2. V.Vairamani,

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by
The Inspector of Police,
District Crime Branch (DCB)
Virudhunagar District.
(Crime No.35/2022).

... Respondent/Complainant

For Petitioner : M.Shakulhameed, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.35/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 406, 420 and 506(1) of I.P.C., in Crime No.35 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to money dispute, the petitioners threatened the de-facto complainant with dire consequences. Hence, the case.

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



4. It is seen that the petitioners received goods, nuts and doll from the de-facto complainant to the tune of Rs.74,00,000/-. Thereafter, they paid a sum of Rs.44,00,000/- and the remaining amount, they had sent fake message, as if, they deposited some more amount. It is purely a business transaction dispute between the petitioners and the de-facto complainant and all the allegations are civil in nature. Therefore, the custodial interrogation of the petitioners do not require in this case.

5. Considering the above 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.2, Virudhunagar District, 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 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, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 abscond, a fresh FIF registered under Section 229A IPC.

sd/-
29/03/2023

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/04/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT @ SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (DCB)
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2 CC to M/s.M.SHAKUL HAMEED, Advocate (SR-5050[I] dated 29/03/2023

ORDER
IN
CRL OP(MD) No.5870 of 2023
Date :29/03/2023

PKP/CG/SAR-4/18.04.2023/ **3P/7C**