



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

Date : 20/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.7383 of 2023

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1. Thilagavathi

2. K.Thirumugam

... Petitioners/

Accused Rank not known

Vs

The State rep.by,
The Inspector of Police,
Aravayal Police Station,
Sivagangai District.
Crime No. 12 of 2023.

... Respondent/Complainant

For Petitioner : Mr.S.Muthukumar,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 12 of 2023 on the file
of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused who apprehend arrest at the hands of the
respondent police for the offences punishable under sections 364(A),
384 and 506(ii) of IPC in Crime No. 12 of 2023 on the file of the
respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners herein
and the defacto complainant deposited amount in HUAU ASSOUATE Pvt
Ltd., HIJAU AGRO LLP Pvt Ltd. As such the accused herein deposited
amount in the said company through the defacto complainant. In the
said circumstances one Balamurugan call the defacto complainant for
compromise. Therefore the defacto complainant came to Devakottai by
car. Then the petitioners herein and other accused kidnapped the
defacto complainant and picked out his seven sovereigns gold chain
and cash of Rs.7000/- and a car bearing Reg. No. TN 12 AR 3344
Further they also give life threat to the defacto complainant and
abused him, hence the case.

3. Heard both side and perused the materials available on
<https://www.mca.gov.in/> including the First Information Report.



4. It is seen that the petitioners herein are deposited and the defacto complainant had refused to return the amount, therefore a false complaint has been given, hence this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

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5. 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, Devakottai, Sivagangai 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 second petitioner alone 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

20/04/2023

/ TRUE COPY /

/04/2023

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



TO

1. THE JUDICIAL MAGISTRATE, DEVAKOTTAI, SIVAGANGAI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ARAVAYAL POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.S.MUTHUKUMAR, Advocate (SR-6320[I] dated 21/04/2023)

ORDER

IN

CRL OP(MD) No.7383 of 2023

Date : 20/04/2023

RK/SSS/SAR-3 (26/04/2023) 3P/6C