



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

Date : 21.04.2023

PRESENT

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

CRL OP(MD). No.7456 of 2023

WEB COPY

S.S.A Kathiresan

... Petitioner/Accused NO.1

Vs

State rep., by
The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.
(Crime No.04 of 2022)

... Respondent/Complainant

For Petitioner : Mr.M.Solaisamy

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.04/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 406, 420, 380 and 506(i) of I.P.C., in Crime No.04 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, her husband and A5 were running fire works factories at Sivakasi. They availed loan from State Bank of India, Sivakasi Branch. The Factory was closed after the demise of the defacto complainant's husband. The company has to pay a sum of Rs.3 crores in respect of loans, provident fund, employees' salary, dues of Employees State Insurance. Hence, the property was sold for a sum of Rs.8,60,00,000/- to settle the issue. However, the accused persons misappropriated the amount and trespassed into the defacto complainant's factory and stole the labels, furniture. When the same was asked by the defacto complainant, the accused persons threatened her with dire consequences. Hence, the case.

3.Heard both sides and perused the materials available on record including the First Information Report.



4.It is seen that the defact complainant and the accused persons are family members and there is a property dispute between them and all the allegations are civil in nature. Therefore, custodial interrogation of the petitioner does not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5.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.II, 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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/04/2023

/ TRUE COPY /

/05/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.

2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

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

+1. CC TO M.SOLAISAMY ADVOCATE SR.NO.6478, DATED.25.04.2023.

ORDER

IN

CRL OP(MD) No.7456 of 2023

Date :21/04/2023

SI/RR/SAR-3/(28.04.2023) 3P/ 6C