



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

Date : 10.03.2023

PRESENT

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

CRL OP(MD).No.12339 of 2022

1.Senthilkumar

2.Mari Visalakshi

... Petitioners /

Accused No not known

Vs.

1.The Inspector of Police,
Thiruppalai Police Station,
Madurai City.
(Crime No.45 of 2022)

... 1st Respondent / Complainant

2.Stephen Dhanapal

...2nd Respondent

(R2 is suo-motu impleaded as per order, dated 14.07.2022 in CrI.O.P
(MD)No.12339 of 2022)

For Petitioners : Mr.T.s.Mohamed Mohideen, Advocate.

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R2 : Mr.B.N.Raja Mohammed, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.45 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are the Accused, apprehending arrest at
the hands of the respondent police for the offences punishable under
sections 406 and 420 of IPC, on the file of the respondent police,
seek anticipatory bail.

2. The case of the prosecution is that the petitioner had
borrowed hand loan from the defacto complainant to the tune of
Rs.8,00,000/- for his business, but he has not returned the same.
Hence, the complaint.



3. Heard both sides and perused the materials available on record.

4. It is seen that there is a money transactions between the petitioners and defacto complainant and therefore custodial interrogation of the petitioners does not require. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Madurai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 10.00 a.m. without fail, 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]; and;

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/03/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



To

1.The Judicial Magistrate No.2
Madurai.

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

3.The Inspector of Police,
Thiruppalai Police Station,
Madurai City.

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

ORDER

IN

CRL OP(MD) No.12339 of 2022

Date :10/03/2023

ED/BUC/SAR-4 (28/03/2023) 3P 5C