



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.7638 of 2023

Muthaiya,

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Ccb Police Station,
Trichy District.
Crime No. 21 of 2022.

... Respondent/Complainant

For Petitioner : R.Alagumani,Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.21 of 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 294(b), 420, 405, 406 and 506(ii) IPC r/w 34 of IPC, in Crime No.21 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused had received an amount of Rs.1,59,60,000/- from the de-facto complainant on the guise of investing in share trading business and had cheated him. When the de-facto complainant asked for return of money, the accused have threatened him and criminally intimidated him. Hence, the case.

3.The learned counsel for the petitioner would submit that the de-facto complainant lodged complaints before the various police stations and the same were enquired and closed. Thereafter, the de-facto complainant lodged a private complaint and it was referred under Section 156(3) of Cr.P.C. and based on the direction given by



the learned Magistrate, the respondent police registered the FIR. In fact, on one complaint, the petitioner approached this Court and he was directed to participate in the enquiry. Accordingly, he appeared and enquiry was conducted and the complaint lodged by the de-facto complainant was closed. Even according to the de-facto complainant, the petitioner borrowed a sum of Rs.1,59,60,000/- and thereafter, he failed to repay the said amount. It is only a money transaction dispute and as such, the custodial interrogation of the petitioner does not require in this case and sought for anticipatory bail.

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

5.On perusal of the records revealed that the de-facto complainant also lodged complaints before the Superintendent of Police, Thiruvavarur; Mayavaram Town Police Station; District Crime Branch, Cuddalore; City Crime Branch, Trichy; and CBCID, Pudhucherry. In all the complaints, the petitioner was called for enquiry and after completion of enquiry, those complaints were closed. Therefore, the de-facto complainant approached the learned Magistrate and sought for direction under Section 156(3) of Cr.P.C. As directed by the learned Judicial Magistrate No.I, Trichy, the respondent registered the FIR.

6.on perusal of the complaint also revealed that the petitioner borrowed a sum of Rs.1,59,60,000/- on various dates, on the ground that he could not able to continue the share trading business. The petitioner also assured that he will pay the profit of interest. Further, the petitioner and his wife are close relatives of the de-facto complainant. According to the petitioner, he also returned some property and money in favour of the person, who had shown by the de-facto complainant. Therefore, it is a money transaction dispute between the petitioner and the de-facto complainant and thereby, the custodial interrogation of the petitioner does not require in this case.

7.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

8.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.I, Trichy 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 be 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, daily at 10.30 a.m., for a period of four weeks and thereafter, 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
25/04/2023

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/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE JUDICIAL MAGISTRATE NO.I, TRICHY.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
CCB POLICE STATION TRICHY DISTRICT.

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

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-6649[I] dated 26/04/2023)

ORDER

IN

CRL OP(MD) No.7638 of 2023

Date :25/04/2023