



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04.05.2023
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8507 of 2023

Ramkumar

... Petitioner/Sole Accused

Vs. ,

State rep., by
The Inspector of Police,
Thenkarai Police Station,
Theni District.
(Crime No.141/2023).

... Respondent/Complainant

For Petitioner : Mr.D.S.HAROON RASHEED, Advocate

For Respondent : Mrs.M.AASHA
Government Advocate (Crl.Side)

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

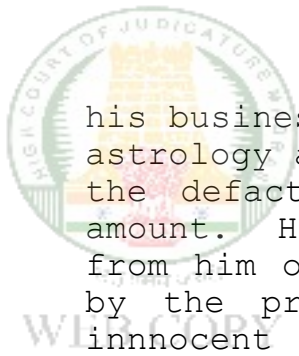
PRAYER :- For Anticipatory Bail in Crime No.141 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 417, 294(b) and 506(ii) of IPC, in Crime No.141 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused person was introduced to the defacto complainant by one Maideen Bai, who is the well-wisher of the defacto complainant, to conduct pooja in his house. On 18.08.2022 at about 03.00 the said accused came to the defacto complainant's house and at the time of conducting pooja, he paste some ink on the forehead of the defacto complainant. Thereby, the defacto complainant lost his conscious and the accused had stolen a sum of Rs.1,40,000/- from him. Thereafter, the defacto complainant and the said Maideen Bai met the accused on 22.08.2022, at that time, the accused persons threatened the defacto complainant. Hence, the complaint.

3. On the side of the petitioner, it is stated that he is an astrologer and the defacto complainant approached him due to loss in



his business. The petitioner also instructed to do some Pooja or astrology and the defacto complainant paid some amount. Thereafter, the defacto complainant asked the petitioner to return back the amount. Hence, there was a dispute. The petitioner received money from him only for Pooja, otherwise nothing has happened as alleged by the prosecution. He also submitted that the petitioner is innocent and he is no way committed any offence as alleged by the prosecution.

4. On the side of the respondent, it is stated that the investigation is pending.

5. Considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 am., 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]**; and;



(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/05/2023

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/ /2023

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

RMK

TO

- 1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8507 of 2023

Date :04/05/2023

SA/VR/SAR.3/17.05.2023/3P/5C