



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

Date : 09.03.2023

PRESENT

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

CRL OP(MD)No.11214 of 2022

Jeyavel @ Jeyavvelan

... Petitioner / Accused No.1

Vs

1.The State rep.by
The Inspector of Police,
Subramaniapuram Police Station,
Madurai City.
(Crime No.252 of 2022)

... Respondent / Complainant

2.A.Pandiraj

... Petitioner / Intervener
in CRL MP(MD) No.7963 of 2022

For Petitioner : Mr.C.Senthil Murugan, Advocate

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

For Intervenor : Mr.K.R.Manimaran

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

PRAYER :-

For Anticipatory Bail in Crime No.252 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), 323, 324, 406, 420, 427, 448, 506(ii) IPC in Crime No.252 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant started hotel business in the petitioner's premises by paying Rs.10,00,000/- as advance. Due to COVID-19 pandemic, he was not able to run the business and hence, he demanded the petitioner to return the advance amount. The petitioner and other accused issued

<https://www.madrasjudis.org/>

Thereafter, the petitioner attempted to demolish the



shop and when the same was questioned by the defacto com, the petitioner threatened him with dire consequences. Hence, the case.

3. Heard and perused the materials available in the records.

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4. It is seen that the petitioner is a land lord and the defacto complainant is a tenant and all the allegations are civil in nature. Hence, custodial interrogation of the petitioner does not require. Therefore, 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.IV, Madurai 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, daily at 10.30 A.M., for a period of two 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/-

09/03/2023

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

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To

1.The Judicial Magistrate No.IV,
Madurai.

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

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

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

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-3765[I] dated
09/03/2023)

ORDER

IN

CRL OP(MD) No.11214 of 2022

Date :09/03/2023

ED/SBN/SAR-3 (20/03/2023) 3P 6C