



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8789 of 2023

WEB COPY

1. Suseela
2. Lingeswaran
3. Pragateeswaran
4. Karthika

... Petitioners/Accused Nos.1 to 4

Vs

State Rep by its
The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
Crime No.57 of 2023

... Respondent/Complainant

For Petitioners : Mr.N.S.Ramakrishna Dass, Advocate.
For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.57 of 2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 420, 294(b) and 506(i) of IPC, in Crime No.57 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there is a civil dispute between the petitioners and the defacto complainant. The petitioners borrowed a sum of Rs.13,84,000/- from the defacto complainant and entered into an agreement regarding the sale of a house. Thereafter, they did not return the said amount and also threatened the defacto complainant with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that they borrowed a loan from the defacto complainant and gave the property as security. Now, based on the alleged agreement, the defacto complainant gave a false complaint against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.Side) would submit that it is a dispute between the parties regarding money transaction.

5.Considering the facts and circumstances of the case and also considering the fact that the it is a dispute between the parties regarding money transaction, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only), common surety** for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the second petitioner shall report before the respondent police once in a week i.e., on every Wednesday at 10.30 am., for a period of two months and thereafter, as and when required for interrogation. The petitioners 1, 3 & 4 shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with the 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/05/2023

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/05/2023

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

DSS



TO

1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE, RAJAKKAMANGALAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.N.S.RAMAKRISHNA DASS, Advocate (SR-7453[I] dated
18/05/2023)

ORDER

IN

CRL OP(MD) No.8789 of 2023

Date :17/05/2023

RS//SAR-(24.05.2023) 3P 6C