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CRL OP(MD).



23

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

Date : 18/05/2023

PRESENT

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

CRL OP(MD) . No.8938 of 2023

P.Senthilkumar

... Petitioner/Sole Accused

Vs

State rep. by
The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
Crime No.186 of 2023.

... Respondent/Complainant

For Petitioner : Kayalvizhi C,
Advocate.

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

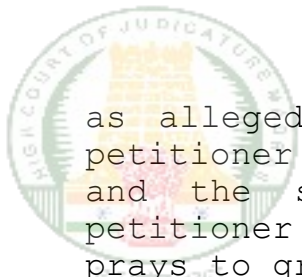
For Anticipatory Bail in Crime No.186 OF 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 420 of IPC, in Crime No.186 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has borrowed a sum of Rs.9 lakhs on weekly interest basis from the defacto complainant and cheque was also issued. Due to the transactions, money dispute is pending between the parties. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence



as alleged by the prosecution. He would further submit the petitioner has also filed two cases against the defacto complainant and the same are pending. From 01.06.2022 to 27.10.2022 the petitioner repaid the entire amount with penal interest. Hence, prays to grant anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.Side) would submit that there is money dispute is pending between the parties. Since the alleged occurrence is of the year 2022 there is no chance for tampering the witnesses.

5.Considering the facts and circumstances of the case and also considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, 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 Court, Theni, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties (**of which one shall be a blood related surety**) each for a like sum 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police every Tuesday at 10.30 am., and thereafter, as and when required for interrogation.

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

sd/-

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

KSA

<https://www.mhc.tn.gov.in/judis>



TO

1. The Judicial Magistrate, Theni.
2. Do through the Chief Judicial Magistrate, Theni.
3. The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.RAJA RAMAN, Advocate (SR-7531[I] dated 18/05/2023)

ORDER
IN
CRL OP(MD) No.8938 of 2023
Date : 18/05/2023

NA/CG/SAR- /23.05.2023/3P/6C