



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

Date : 01/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD) . No.9508 of 2023

WEB COPY

1. Vani,
2. Sugandararaj @ Sudhanthiraj ... Petitioners/Accused No.1&2

Vs

State rep by
The Inspector of Police,
Allinagaram Police Station
Theni District.
(Crime No.154 of 2023).

... Respondent / Complainant

For Petitioners : M/s.R.J.Karthick, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.154 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused who apprehend arrest at the hands of the respondent police for the offences punishable under sections 294(b),506(i) of I.P.C and section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No. 154 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that in the year 2016 the defacto complainant borrowed a sum of Rs.15000/- from A1 and gave a sale deed as security. While being so, the defacto complainant shifted to Coimbatore along with her family. Under the such circumstances when the daughter of the defacto complainant approached the first accused to get sale deed on payment of Rs.15,000/-, A1 replied that she had handed over the sale deed to A2 and demanded Rs.2,50,000/- to return the sale deed. It is further alleged that when the defacto complainant refused to repay the said sum, A1 abused her filthy language and also threatened with dire consequences.

<https://www.mhc.tn.gov.in/judis> Heard both side and perused the materials available on



record including the First Information Report.

4. Taking into consideration of the facts and circumstances of the case and also the fact that the entire case is borne out by documents, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Theni on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners shall report before the respondent Police as and when required for interrogation

[c] the petitioners shall not tamper with 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/06/2023

/ TRUE COPY /

/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



To

1.The Judicial Magistrate,
Theni.

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

3.The Inspector of Police,
Allinagaram Police Station,
Theni District.

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

+1CC to M/s.R.J.KARTHICK, Advocate, SR-8010(I), dated 05.06.2023.

ORDER

IN

CRL OP(MD) No.9508 of 2023

Date :01/06/2023

ED/BUC/SAR- (02/06/2023) 3P 6C