



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

Date : 10.03.2023

PRESENT

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

CRL OP (MD) Nos.13682 & 13876 of 2022

1.Mareeswaran	... Petitioner / Rank not known in Crl.O.P. (MD) No.13682 of 2022
2.Rajendran	... Petitioner / Accused No.5 in Crl.O.P. (MD) No.13876 of 2022

Vs

1.The State rep.by The Sub-Inspector of Police, District Crime Branch, Virudhunagar. (Crime No.18 of 2021)	... Respondent / Complainant in CRL OP (MD) No.13682 of 2022
2.Dhanalakshmi	... Petitioner / Intervener / Defacto Complainant in CRL MP (MD) No.9682 of 2022 in CRL OP (MD) No.13682 of 2022

The State rep.by The Inspector of Police, District Crime Branch, Virudhunagar. (Crime No.18 of 2021)	... Respondent / Complainant in CRL OP (MD) No.13876 of 2022
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in Crl.O.P. (MD) No.13682 of 2022

For Petitioner : Mr.R.Gandhi, Senior Counsel

in Crl.O.P. (MD) No.13876 of 2022

For Petitioner : Mr.B.A.Muruganantham, Advocate

in both in Crl.O.Ps.

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

in Crl.O.P. (MD) No.13682 of 2022

For Intervenor : Mr.N.Mohideen Basha



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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.18 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following common order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 409, 420, 465, 468, 471, 506(1) IPC in Crime No.18 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant supplied agricultural materials to the first accused on the assurance given by the first petitioner herein to the tune of Rs.5,01,07,400/- and the first accused repaid only sum of Rs.2,15,00,000/- and the remaining amount to be paid. When the defacto complainant asked the remaining amount, the accused threatened the defacto complainant. Hence the case.

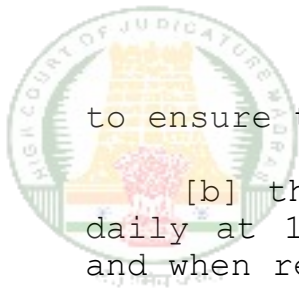
3.Heard and perused the materials available in the records.

4.It is seen that there is a business transaction between the defacto complainant and the accused persons. However, there no document to show that the defacto complainant supplied agricultural materials to the accused persons. That apart, the second petitioner also produced the deed of concern dated 10.08.2022 executed in favour of the defacto complainant. Therefore, custodial interrogation of the petitioners does not required.

5.Considering the above facts and circumstances of the case, 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Virudhunagar, 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



to ensure their identity.

[b] the petitioners 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 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/-
10/03/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Judicial Magistrate No.II,
Virudhunagar.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
District Crime Branch,
Virudhunagar.

4.The Sub-Inspector of Police,
District Crime Branch,
Virudhunagar.



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

+1. CC to M/S.B.A.MURUGANANTHAM, Advocate SR.No.3939(I) dated
10.03.2023

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ORDER

IN

CRL OP (MD) No.13682 and
13876 of 2022

Date :10/03/2023

ED/BUC/SAR-4 (20/03/2023) 4P 7C