



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

Date : 30/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.11797 of 2023

WEB COPY

L.Suresh

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
City Crime Branch,
Trichy District.

(Crime No.36 of 2022). ... Respondent/Complainant

For Petitioner : M/s.A.Mohamed Hashim,
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No. 36 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands
of the respondent police for the offences punishable under sections
420, 120(b), 379, 390, 391, 405, 415, 441 and 506(i) I.P.C. in
Crime No. 36 of 2022 on the file of the respondent police, seeks
anticipatory bail.

2. The case of the prosecution is that there is a dispute
between the partners in a Flour mill. Due to which, the petitioner
cheated the amount and caused damage to the machineries in the Flour
mill.

3. Heard both side and perused the materials available on
record including the First Information Report.

4. It is seen that there is a dispute between the partners
while running their Flour Mill. In fact, on the complaint enquiry
was conducted and subsequently closed. Thereafter, the defacto
complainant approached the concerned Judicial Magistrate, for a
direction under Section 156 (3) Cr.P.C and on direction, F.I.R has
been registered. That apart, the F.I.R of the year 2021, therefore,
the custodial interrogation of the petitioner does not require.

5. Considering the above facts and circumstances of the
case, 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 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.I, Tiruchirappalli, 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 am., 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/-

30/06/2023

/ TRUE COPY /

/07/2023

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

TO

1. The Judicial Magistrate No.I, Tiruchirappalli.

2. -do-Through The Chief Judicial Magistrate,
Tiruchirappalli.



3. The Inspector of Police,
City Crime Branch, Trichy District.

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

+1 CC to M/s.A.MOHAMED HASHIM, Advocate (SR-10104[I] dated
03/07/2023)

ORDER
IN
CRL OP(MD) No.11797 of 2023
Date :30/06/2023

RD(06/07/2023) 3P 6C