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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31.08.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD)No.15782 of 2023

1.Abdul Kalam Asad
2.Shajathi Begam

... Petitioners/ Accused 1 & 2

Vs

The State represented by
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
Crime No.123 of 2023

... Respondent/ Complainant

For Petitioners : M/s.R.Vennila, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.123 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/ A1 and A2, who apprehend arrest at the hands of the respondent



police for the offences punishable under Sections 406, 420

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IPC in Crime No.123 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's father and A1 are friends. During the year 2014, due to poverty, A1 requested the defacto complainant's father to send money to A2. During the period 2014 to 2019, the defacto complainant's father sent totally Rs.5,56,363/- on various transaction. In the year 2019, the father of the defacto complainant passed away. Thereafter, when the defacto complainant demanded the money back, the accused persons threatened him. Hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent persons and they have been falsely implicated in this case. Originally, the father of the defacto complainant only borrowed money from A1 and he repaid part of the amount. After his death, he did not claim any amount from the defacto complainant. Hence, he prayed for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that in this case there are two accused. A1 and the defacto complainant's father were friends. A1 borrowed



a sum of Rs.5,56,363/- from the father of the defacto complainant and thereafter, did not repay. The investigation in this case is at initial stage and amount is yet to be recovered.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that there is money dispute between the parties and also considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. 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, Karaikudi 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m.,

for a period of thirty days and thereafter as and when required for interrogation.



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[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

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

sd/-
31/08/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

1 THE JUDICIAL MAGISTRATE
KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



3 THE INSPECTOR OF POLICE
KARAKUDI NORTH POLICE STATION, SIVAGANGI DISTRICT.

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

+1 CC to M/s.R.VENNILA, Advocate (SR-13039[I] dated 31/08/2023)

ORDER
IN
CRL OP(MD) No.15782 of 2023
Date :31/08/2023

SS/VR/08/09/2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023