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CRL OP(MD). No.15792 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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R.Sureshpandi

... Petitioner/ Accused No.1

Vs

State Rep. by
The Inspector of Police,
Anna nagar Police Station,
Anna Nagar,
Madurai City.
In Crime No.497 of 2023.

... Respondent/Complainant

For Petitioner : Mr.NIRANJAN S.KUMAR, Advocate

For Mr.S.MURUGAGANESAN, Advocate

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

For Intervenor : Mr.D.SENTHIL, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.497 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) and 506(i) of IPC in Crime No.497 of 2023 on the file of the respondent police, seeks



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anticipatory bail.

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2. The case of the prosecution is that due to money transaction between the petitioner and the defacto complainant and due to previous enmity, the accused on 25.07.2023 requested the defacto complainant that he had pledged his jewels at ESAF Small Finance Bank and to pay the amount to redeem it, thereby the defacto complainant has transferred a sum of RS.6,06,000/- from her bank account to the account of A1. Thereafter, the accused switched off his phone and when she tried to speak, the A1 abused and criminally intimidated. Thereafter, the petitioner said to have abused the defacto complainant and threatened her. Hence, complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. He would further submit that he has to look after his aged mother who is 63 years suffered from cardiac arrest. Further the learned counsel contended that he borrowed money a sum of Rs.6,00,000/- from the defacto complainant for his mother's ailment and issued two cheques to the defacto complainant and he is ready to deposit the above said Rs.6,00,000/- but the defacto complainant refused the return of the said two cheque leaves, and filed this false complaint. Hence, he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that due to money transaction between the petitioner and the defacto complainant, the petitioner abused



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the defacto complainant and threatened her. The offences are serious in nature.

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Hence, custodial interrogation is required in this case. He strongly opposed to grant anticipatory bail to the petitioner.

5. The learned counsel appearing for the intervenor also would contend that the petitioner approached the defacto complainant to redeem the jewels, which were pledged in a bank and borrowed a sum of Rs.6,06,000/- and the same was transferred from the account of defacto complainant to the account of A1. But without redeeming the jewels, he cheated the defacto complainant and transferred money to other accounts and neither handed over the jewels nor repaid the money.

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

7. Considering the rival submissions on either side and considering that there is a money dispute between the parties and the petitioner is ready to deposit the disputed amount of Rs.6,00,000/- on condition that the defacto complainant has to return two cheque leaves, which he already issued to the defacto complainant at the time of borrowal of the said amount, but the defacto complainant denied the issuance of two cheques and there are prima facie grounds to grant anticipatory bail to the petitioner and also considering the nature of offences and other aspects, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest



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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.VI, Madurai, on condition that the petitioner 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 petitioner shall report before the respondent Police daily at 10.00 am., until further orders.

[b] the petitioner has to deposit the aforesaid amount as and when required by the trial Court and the trial Court has to decide the same, if any charge sheet filed against the petitioner.

[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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229A IPC.

sd/-
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/09/2023

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

MRN
TO
1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
ANNA NAGAR,
MADURAI CITY.

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

ORDER
IN
CRL OP(MD) No.15792 of 2023
Date :01/09/2023

SA/VR/SAR. /13.09.2023/5P/5C

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