



Crl.OP(MD)No.16683 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 19/09/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

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1.S.R.Sanil

2.R.Snakarajan

... Petitioners/ Accused 5 & 6

Vs.

State of Tamil Nadu

Rep. by the Inspector of Police,

Arumanai Police Station,

Kanyakumari District.

(Crime No.103 of 2023)

... Respondent/ Complainant

For Petitioners : Mr.T.Nelson, 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.103 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioners, who are arrayed as A5 and A6 apprehend arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 406, 420, 120(B) and 506(i) IPC, in Crime No.103 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is running a Company called 'ARKHI Cement Corporation'. A2 is conducting a construction



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company called 'Micheal Builders, etc. A2 was purchasing goods from his Company.

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But payment was not properly made. On 18/02/2023 at about 03.00 pm, A1 called him through phone stating that A2 requires 7 tones of iron rod. He promised to pay the money through Bank, since he was out of station. On the basis of the above said undertaking, vehicle with iron rod, they were waiting near the weighing bridge. At that time, A3 came to the spot and picked up quarrel. Because of the above said quarrel at the instance of A1 to A4, they also forcibly took the lorry along with load. On hearing the above said occurrence, he went to the Micheal Steel Company. At that time, A3 and A4 and others surrounded him, criminally intimidated and forcibly unloaded the iron. A3 issued a cheque and it was presented for payment, but returned as 'Funds Insufficient'. Thereafter, he came to know that he was cheated. Based upon the complaint given by the de-facto complainant, a case in Crime No.103 of 2023 was registered for the offences stated above.

3. Seeking anticipatory bail, this petition has been filed by A5 and A5.

4. The learned counsel appearing for the petitioners would submit that nowhere in the FIR, the petitioners name is mentioned and it is an issue between A3 and the de-facto complainant and no specific overtact has also been attributed against them.

5. Heard both sides.

6. Reading of the FIR sows that only four persons have been named. So far as



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others are concerned, there is no mentioning. It has been stated that some identifiable persons were also present in the place of occurrence, criminally intimidated and forcibly unloaded the iron rods. The co-accused namely A2 and A3 were arrested and released on bail.

7.It appears that the issue is between the de-facto complainant and A3 over some business transactions. The cheque that was issued by A3 has also become dishonored. The de-facto complainant can very well proceed against A3 in accordance with law over the dishonour of the cheque.

8.So far as these petitioners are concerned, only identification issue is involved. For that purpose, there shall be a direction to the petitioners to appear before the respondent and the respondent may conduct identification parade, after following proper procedure.

9.Considering the limited overtact attributed against the petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Kuzhithurai and on each of them executing 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 learned Judicial Magistrate concerned and on further condition that the petitioners shall appear



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before the respondent police daily at 10.30 a.m. until further orders. The petitioners

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shall comply with the condition stipulated under [Section 438](#) Cr.P.C. scrupulously.

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

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To

- 1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE, ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.NELSON, Advocate (SR-13852[I] dated 20/09/2023)

ORDER IN

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Date :19/09/2023

RS/DD/SAR-(21.09.2023) 4P 6C

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