



CRL OP(MD). No.19572 of 2023

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

Date : 02/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM
CRL OP(MD). No.19572 of 2023

Manimaran

... Petitioner/ Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Thiruverumbur Police Station,
Trichy District.
Crime No. 451/2023.

... Respondent/ Complainant

For Petitioner : M/s Karthikeyan.C,
Advocate.

For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.451 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 323, 363, 392 and 506(i) of IPC in Crime No.451 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that A1 and A2 are the partners of KBS Firm and when the company was running in a loss condition, A1 and A2 compelled the de-facto complainant to take charge for the entire loss and when it was refused by the de-facto complainant, A1 and A2 along with other accused threatened and scolded the de-facto complainant. Further A1 and A2 obtained a sum of Rs.4,00,000/- from the de-facto complainant and on 09.10.2023, when the de-facto complainant went to City Union Bank to redeem the jewels and tried to dispose the same to the customers, A3 to A5 came to his office and threatened him and they kidnapped him and took a sum of Rs.1,00,000/- from him and gave life threat to him. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is one of the depositors in the KBS Gold Mart run by the de-facto complainant. For non-payment of the amount, a case in Crime No.32 of 2023 has been registered against the de-facto complainant before the District Crime Branch, Trichy for the offences under Sections 420, 406 and 120(b) of IPC. Under these circumstances, in order to threaten the petitioner, the present case has been falsely registered against him. Therefore, he prayed for grant of anticipatory bail to the petitioner. He would further submit that the co-accused, Ramesh has been granted anticipatory bail by the trial Court in Cr.M.P.No.5405 of 2023 on 31.10.2023.



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4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that both the cases in Crime No.32 of 2023 and 451 of 2023 are under investigation. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. On perusal of records, it is noticed that the petitioner is one of the depositors in KBS Gold Mart run by the de-facto complainant and his partners. Further, it is noticed that according to the petitioner, the de-facto complainant had executed an undertaking letter stating that he is ready to repay a sum of Rs.37,00,000/- to the petitioner in four installments on or before 05.11.2023.

7. Considering the nature of the allegation and also considering the case in crime No.32 of 2023 has been registered against the de-facto complainant for non-payment of deposit to the depositors and the petitioner is one of the depositors and the de-facto complainant also undertakes to repay a sum of Rs.37,00,000/- to the petitioner in four installments and also taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of



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Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994)4 SCC 260 and taking into consideration the origine of crime, it is seen that the offence alleged as against the petitioner is not a case of heinous crime. Further the petitioner is having permanent residents at Trichy District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

8. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. 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.6, Trichy, on condition that the petitioner shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the respondent police or the police officer



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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 shall report before the trial Court on receipt of summons;

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

[c] the petitioner 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 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].

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

sd/-

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

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1. The Judicial Magistrate No.6, Trichy.
2. Do-Through The Chief Judicial Magistrate, Trichy District.
3. The Inspector of Police,
Thiruverumbur Police Station, Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.19572 of 2023
Date :02/11/2023

RK/DD (16/11/2023) 6P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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