



CRL OP(MD)No.19984 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.11.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.19984 of 2023

K.Selvaraj

... Petitioner/ Accused No.3

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Madurai District.
(In Crime No.16 of 2022)

... Respondent/ Complainant

S.Thiruppathi

....Petitioner/ Defacto Complainant
in Crl MP(MD)No. 16350 of 2023

For Petitioner : Mr.A.Balaji, Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate(Crl.side)

For Intervenor : Mr.N.Marimuthu, Advocate
in Crl MP(MD)No. 16350 of 2023

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

PRAYER :-

For Anticipatory Bail in Crime No.16 of 2022 on the file of the Respondent Police.
<https://www.mhc.tn.gov.in/judis>



CRL OP(MD)No.19984 of 2023

WEB COPY

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 and 506(i) IPC in Crime No.16 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was business transaction between the defacto complainant and the accused persons and the defacto complainant supplied materials to the accused on credit basis. Subsequently, the accused did not give any amount to the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that only based on the confession statement of A1, the petitioner herein was implicated as an accused in this case and there is no transaction between the defacto complainant and the petitioner herein. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent would submit that the investigation in this case is not yet completed.

5.On perusal of records, it is noticed that the defacto complainant had not sold any goods to the petitioner herein and there is no transaction between the petitioner



CRL OP(MD)No.19984 of 2023

and the defacto complainant.

6.Taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of 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 origin 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 residence at Erode 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.

7.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.I, Madurai on condition that the petitioner shall execute a own bond for a sum of Rs.10,000/-



CRL OP(MD)No.19984 of 2023

(Rupees Ten Thousand only) 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 shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar Card or Bank Pass Book to ensure his identity.

[b] the petitioner shall report before the trial Court on summons.

[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].



CRL OP(MD)No.19984 of 2023

WEB COPY

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

sd/-
21/11/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-16807[I] dated 23/11/2023)

ORDER
IN
CRL OP(MD) No.19984 of 2023
Date :21/11/2023

PKP/JGB/SAR- /01.12.2023/ 5P/ 6C
Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023

<https://www.mhc.tn.gov.in/judis>