



CRL OP(MD) No.342 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.342 of 2024

SHANTHI VALENTINA

... Petitioner / Accused No.1

Vs

THE INSPECTOR OF POLICE
GOLDEN ROCK POLICE STATION,
TRICHY.
(CRIME NO.1814/2023)

... Respondent / Complainant

For Petitioner : M/s.G.Kandhavadivelan, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

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

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.1814/2023 ON THE FILE OF
THE RESPONDENT POLICE



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ORDER: The Court Made the following order :-

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The petitioner / Accused No.1, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b), 323, 420 and 506(ii) of I.P.C. in Crime No.1814 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner borrowed an amount of Rs.31,00,000/- from the defacto complainant for his medical expenditure and other expenditures. However, the said amount was not repaid. Hence, the defacto complainant made a complaint before the respondent Police and the respondent Police registered a case against the petitioner and other accused persons.

3. The learned counsel appearing for the petitioner would submit that the petitioner has already paid a sum of Rs.10,00,000/- by way of Demand Draft to the defacto complainant. He would further submit due to money dispute between them, a suit in O.S.No.660 of 2023 was filed before the learned Principal District Munsif, Trichy, seeking for the relief of permanent injunction and for recovery of all loan documents executed by the petitioner. He would further submit that when the suit is pending, the defacto complainant made a false complaint before the respondent Police. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would that due to money transaction between the petitioner and



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the defacto complainant, the respondent Police registered a case against the petitioner herein.

5. On perusal of entire records, it reveals that there was a money transaction between the petitioner and the defacto complainant and the petitioner has sent a sum of Rs.10,00,000/- by way of Demand Draft and the same was credited in favour of the defacto complainant.

6. Considering the facts and circumstances of the case and also considering the fact that already the suit is pending between the parties, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Trichirappalli, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a).if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the



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date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b).the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c).the petitioner shall report before the respondent Police as and when required for interrogation;

(d).the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e).the petitioner shall not abscond either during investigation or trial;

(f).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]; and;



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(g).if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To

1.The Judicial Magistrate No.V,
Trichirappalli.

2.Do through the Chief Judicial Magistrate,
Trichirappalli District.

3.The Inspector of Police,
Golden Rock Police Station, Trichy.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.KANDHAVADIVELAN, Advocate (SR-646[I] dated 11/01/2024)

ORDER
IN
CRL OP(MD) No.342 of 2024
Date :10/01/2024

ED/ JGB /SAR- (22/01/2024) 5P / 6C



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