



CRL OP(MD) No.536 of 2024

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

Thursday, the Eleventh day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.536 of 2024

1 SUNDARALINGAM

2 A.KARTHIK

3 CHELLADURAI

... PETITIONERS/ACCUSED NO.3,4&5

Vs

THE SUB INSPECTOR OF POLICE
PERUMALPURAM POLICE STATION,
TIRUNELVELI,
CRIME NO.727/2023

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.VIJAYENDIRAN.V Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.727/2023 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

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The petitioners/ A3 to A5, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 418, 420 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.727 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant, claimed to the owner of the property. His son along with the first petitioner herein obtained the original document and the same was pledged with the accused persons for a sum of Rs.2,00,000/-. It is alleged that since the said amount was not paid by the son of the defacto complainant, the accused persons threatened the defacto complainant to alienate the said property and hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that a bare perusal of FIR makes it clear that it is purely civil dispute and instead of filing suit before the civil Court, a false complaint has been given. He would also submit that this Court granted anticipatory bail to the co-accused and



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hence, he prayed to grant anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that investigation is not yet completed.

5.Considering the facts and circumstances of the case and also considering the fact that this Court granted anticipatory bail to the co-accused, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tirunelveli, on condition that the petitioners 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 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 petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall



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stand automatically cancelled;

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(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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(e)the petitioners 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/-
11/01/2024

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

GNS

TO

1.THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3.THE SUB INSPECTOR OF POLICE
PERUMALPURAM POLICE STATION, TIRUNELVELI,

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

ORDER
IN
CRL OP(MD) No.536 of 2024
Date :11/01/2024

RK /VR(24/01/2024) 5P / 5C

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