



CRL OP(MD) No.1584 of 2024

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

Friday, the Second day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1584 of 2024

P.RAJA @ RAJAPANDIAN

... PETITIONER / ACCUSED 1

Vs

THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUTHUNAGAR DISTRICT,
(CRIME NO.253/2023)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.BANUPRASATH Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.253/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for
the alleged offence under Sections 147, 148, 294(b), 323 and 506(i) of IPC in Crime
No.253 of 2023, seek anticipatory bail.



CRL OP(MD) No.1584 of 2024

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2.The case of the prosecution is that the defacto complainant is running a textile shop and also covering jewellery business. He borrowed a sum of Rs.18,000/- from the first petitioner for developing his business. Thereafter, he has not repaid the same. Thereby, on 05.12.2023, at about 10.30 p.m, the second petitioner along with other accused said to have kidnapped the defacto complainant in a Car and abused him in filthy language and attacked him with hands and wooden logs and caused injuries to him. Further, they snatched a sum of Rs.48,000/- and a cell phone from him. Hence, the defacto complainant lodged a complaint before the Law Enforcing Authority

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the injured was discharged from the hospital. Only the false case has been registered against the petitioner and he need not to pay any amount, however, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit Rs.50,000/- for the benefit of the Girl students studying in the V.O.C. Government Higher Secondary School, Ottapidaram, Thoothukudi District. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that it is a money dispute between the parties and apart from this case, the petitioner involved in ten previous cases, out of which, four cases are ended in acquittal and substantials



CRL OP(MD) No.1584 of 2024

investigation is over. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner.

6. 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.I, Virudhunagar, 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 fifteen days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) (i) the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) by way of Demand Draft in favour of the Headmaster/Headmistress, V.O.C. Government Higher Secondary School, Ottapidaram, Thoothukudi District, for providing facility to the welfare of the girls



CRL OP(MD) No.1584 of 2024

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students and after perusing the challan/receipt, the concerned Magistrate shall accept the sureties furnished by the petitioner.

(ii) the Headmaster/Headmistress of the above said school is directed to carryout the welfare works as mentioned above in their school using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the Registry, Madurai Bench of Madras High Court, Madurai and the concerned Judicial Magistrate, within a period of eight weeks.

(iii) the petitioner shall make the above deposit before the execution of the sureties.

(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 daily at 10.30 a.m., for the period of two weeks and thereafter, he shall appear before the respondent Police as and when required;

(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



CRL OP(MD) No.1584 of 2024

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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]; and;

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

sd/-
02/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

1 THE JUDICIAL MAGISTRATE NO.I,
VIRUTHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUTHUNAGAR DISTRICT,

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



CRL OP(MD) No.1584 of 2024

COPY TO:

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1 THE HEADMASTER/HEADMISTRESS,
V.O.C. GOVERNMENT HIGHER SECONDARY SCHOOL,
OTTAPIDARAM, THOOTHUKUDI DISTRICT

2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-1339[I] dated 02/02/2024)

ORDER IN
CRL OP(MD) No.1584 of 2024
Date :02/02/2024

SA/JGB/SAR. /07.02.2024/6P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.