



CRL OP(MD) No.3453 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Fifth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3453 of 2024

ANBARASU

... Petitioner / Accused No.1

Vs

THE INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.79 OF 2024.)

... Respondent / Complainant

For Petitioner : M/s.K.Abiya, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. Side)

For Intervener : Mr.A.Vadivel, Advocate

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

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.79 OF 2024 ON THE FILE
OF THE RESPONDENT POLICE.



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ORDER: The Court Made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence under Sections 147, 341, 294(b), 506(i) of IPC and Section 4 of TNPHW Act, 1998 in Crime No.79 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that there was a money dispute between the petitioner and others and the defacto complainant, thereby, the accused persons joined together and attacked the defacto complainant, when she appeared before the District Court for the complaint given by the petitioner against her under Section 138 of Negotiable Instrument Act. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The defacto complainant cheated the petitioner to the tune of Rs.18,75,000/- by giving a false promise for providing tender work in HR &CE Department to the petitioner's son. When the petitioner asked to return his money, the defacto complainant issued a cheque, but the same was dishonoured. Further, the petitioner and others, who were lost money to the defacto complainant, gathered together and asked her to return their money. In order to escape from the complaint given under Section 138 of Negotiable Instrument Act, the false complaint has been given. Hence, he prays for grant of anticipatory bail.



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4. The learned counsel for the intervenor would submit that taking advantage of the suspension order of the defacto complainant, the accused persons joined together and attacked the defacto complainant is not sustainable one. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) would submit that no one is sustained injury in this case. Further, the defacto complainant received huge amount from various persons and on knowing the same, she was suspended from service. When she was came for attending the Court proceedings, the accused persons gathered together and attacked her. Further, investigation is going on. Hence, he opposed to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and also considering the fact that there is no one sustained injury and it appears to be the money dispute between the accused persons and the defacto complainant, this Court is 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.VI, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, each



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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 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 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 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



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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/-
05/03/2024

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/03/2024
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.VI,
Madurai.

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

3.The Inspector of Police,
Anna Nagar Police Station,
Madurai District.

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

ORDER
IN
CRL OP(MD) No.3453 of 2024
Date :05/03/2024



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ED/JGB /SAR- (13/03/2024) 6P / 5C

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