



CRL OP(MD) No.3659 of 2024

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

Thursday, the Seventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3659 of 2024

1 KARTHIKEYAN

2 S.K.RAVICHANDRAN

... PETITIONERS/ ACCUSED 1 & 2

Vs

THE INSPECTOR OF POLICE

THANJAVUR TOWN WEST POLICE STATION,

THANJAVUR DISTRICT.

CRIME NO.408/2022.

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.J.SHAKILA, Advocate

For Respondent : MR.S.MANIKANDAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.408/2022 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 347 and 506(i) of IPC in Cr.No.408 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is a Contractor and he

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entered into an agreement with the defacto complainant for constructing a marriage hall. Subsequently, the second petitioner called the defacto complainant for booking a marriage hall, for which, the defacto complainant and his father-in-law went to the marriage hall, when the first petitioner and others came there and threatened the defacto complainant and demanded more money from him and the same was refused, they kidnapped the defacto complainant and extracted three cheques from him. Thereby, the defacto complainant made a complaint against the petitioners before the respondent police.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and it is purely a contractor dispute between the petitioners and the defacto complainant, for which, the defacto complainant filed a false complaint against them before the respondent police, which is not sustainable one and hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that there is a construction agreement entered into between the petitioners and the defacto complainant. However, the petitioners have forcibly obtained three cheques from the defacto complainant. Thereby, the defacto complainant made a complaint after a delay of two months from the date of occurrence. However, he strongly opposed to



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grant anticipatory bail to the petitioners.

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5. Considering the nature of allegations against the petitioners and also considering the fact that it appears to be a civil dispute between the petitioners and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this Criminal Original Petition is ordered and 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 Court No.1, Thanjavur, 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 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;



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(c)the petitioners shall report before the respondent police as and when required for interrogation;

(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;

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

sd/-

07/03/2024

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/03/2024

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.



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2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, THANJAVUR TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.J.SHAKILA, Advocate (SR-2990[I] dated 08/03/2024)

ORDER
IN

CRL OP(MD) No.3659 of 2024
Date :07/03/2024

RS/JGB/SAR-(18.03.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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