



CRL OP(MD) No.3764 of 2024

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

Friday, the Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3764 of 2024

MATHANKUMAR

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.44/2024.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.JEYAKARTHIK, Advocate
for MR. S. VIDHYA SAGAR Advocate

For Respondent : MR.P.KOTTAICHAMY,
Government Advocate(Crl.side)

For Defacto Complainant : MR.D.BALAMURUGAPANDI,
Advocate

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

PARYER: FOR ANTICIPATORY BAIL IN CRIME NO.44 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 420, 294(b), 506(i) of IPC in Crime No.44 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is running a paddy business and purchased paddy from the petitioner for credit, but later, he refused to pay the money for the same. 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. In fact, the petitioner's father entered into the business with the defacto complainant's father and after demise of the petitioner's father, in order to grab money, the defacto complainant made a false complaint against the petitioner. However, on instructions, he would submit that the petitioner is ready to pay a sum of Rs.1,00,000/- by way of Demand Draft in favour of the defacto complainant, without prejudice his right and contention before the concerned trial Court. Hence, he prays for grant of anticipatory bail.



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4. The learned counsel for the defacto complainant would submit that he has no objection to grant anticipatory bail to the petitioner on payment of Rs.1,00,000/- by the petitioner.

5. The learned Government Advocate (Crl.Side) would submit that the investigation is going on. Hence, he opposed to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, 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 three weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram, 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:



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(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) (i) the petitioner shall take a Demand Draft in favour of the defacto complainant for a sum of Rs.1,00,000/- (Rupees One Lakh Only) within a period of three weeks from the date of receipt of copy of this order and produce the proof of payment before the learned Judicial Magistrate No.I, Ramanathapuram, at that time of executing the sureties. On production of such Demand Draft, the learned Judicial Magistrate No.I, Ramanathapuram, shall accept the sureties furnished by the petitioner and entrust the same directly to the defacto complainant.

(c)the petitioner shall report 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



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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.

8. Post the matter on 28.03.2024 for reporting compliance.

sd/-
08/03/2024

/ TRUE COPY /

08/03/2024
Sub-Assistant Registrar (CO)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1.THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3.THE INSPECTOR OF POLICE
BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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



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WEB COPY +1 CC to M/s.S.VIDHYA SAGAR, Advocate (SR-2936[I] dated 08/03/2024)

+1 cc to MR.D.BALAMURUGAPANDI, Advocate SR NO.2998 DATED 11.03.2024

ORDER
IN
CRL OP(MD) No.3764 of 2024
Date :08/03/2024

RK/ (08/03/2024) 6P / 7C

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