



CRL OP(MD). No.5044 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/04/2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

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Raja,

... Petitioner/3rd Accused

Vs

The Inspector of Police,
Thanjavur TMCH Police Station,
Thanjavur,
Thanjavur District.
(Crime No.63/2024).

... Respondent/Complainant

For Petitioner : Mr.S.MANIKANDAN,
Advocate.

For Respondent: Mr.T.SENTHILKUMAR,
Additional Public Prosecutor

For Intervenor : Mr.KARUPPASAMY PANDIAN,
Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.63/2024 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 punishable under Section 420 IPC in Crime No.63 of 2024, on the file of the respondent police, seeks anticipatory bail.

<https://www.mhc.tn.gov.in/judis> 2 The case of the prosecution is that the petitioner has borrowed a sum of



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Rs.6,00,000/- from the defacto complainant and failed to repay the same.

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3.The learned counsel appearing for the defacto complainant has raised serious objections to grant anticipatory bail to the petitioner.

4.Considering the nature of offence that the dispute is civil in nature, this Court is inclined to grant anticipatory bail to the petitioner.

5.Accordingly, this criminal original petition is allowed and the petitioner 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 Judicial Magistrate Court No.II, Thanjavur on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m, until further orders.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.



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[d]the petitioner shall not abscond either during investigation or trial.

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[e]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 in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/04/2024

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/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN
TO
1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.

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

3 THE INSPECTOR OF POLICE,
THANJAVUR TMCH POLICE STATION,
THANJAVUR,
THANJAVUR DISTRICT.



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

+1 CC to M/s.S.MANIKANDAN, Advocate (SR-4007[I] dated 01/04/2024)

ORDER IN
CRL OP(MD) No.5044 of 2024
Date :01/04/2024

SA/JGB/SAR. /08.04.2024/4P/6C

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