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CRL OP(MD). No.7226 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/05/2024

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.7226 of 2024

R. Shanmugaperumal Kani,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Town Police Station,
Tirunelveli City,
Crime No. 63 of 2024.

... Respondent/Complainant

For Petitioner : Mr.VISHNUVARTHANAN P.M,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.63 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accued, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 IPC, in Crime No.63 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the defacto complainant namely Lakshmanan and the petitioner are indulged in a partnership business in the year 2021 and in which the petitioner cheated the defacto complainant to the tune of Rs.2,00,000/- by creating false and fabricated documents. Hence, the First Information Report came to be registered after 3 years.

3. The learned counsel appearing for the petitioner would submit that it is totally false and baseless allegation. The petitioner is innocent and he has not committed any offence as alleged by the prosecution. It is only business transaction so the defacto complainant recently became an advocate and with his influence lodged a false complaint against the petitioner. The petitioner is not involved in any crime in the past and this is the first FIR, which is also civil dispute only. A civil suit to be filed between the partners. Seeking for proper accounts, the defacto complainant lodged a false complaint against this petitioner. He would further submit that he is hailing from respectable family and he is ready to furnish the substantial sureties for his enlargement of anticipatory bail and he will not hamper and tamper the witnesses. He would further submit that the alleged occurrence was taken place in the year 2021 and the FIR came to be registered in the year 2024.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would fairly concede that the occurrence was taken place in the



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year 2021 and the FIR was registered only in 2024.

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5. Taking into consideration the facts and circumstances of the case and also the facts that the dispute between the petitioner and the defacto complainant is purely business transaction and the evidences are based on the documents only, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 learned Judicial Magistrate-IV, Tirunelveli, 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 the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

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

[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 is 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/-
15/05/2024

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/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MM

TO

1 THE JUDICIAL MAGISTRATE NO.IV,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
TIRUNELVELI CITY.

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

MADURAI

<https://www.mmc.tn.gov.in/judis>



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+1 CC to M/s.VISHNUVARTHANAN P.M, Advocate (SR-5517[I] dated
16/05/2024)

ORDER
IN
CRL OP(MD) No.7226 of 2024
Date :15/05/2024

SA/GS/SAR. /23.05.2024/5P/6C

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