



CRL OP(MD). No.7284 of 2024

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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.7284 of 2024

1. Balakrishnan

2. Padma

... Petitioners/ Accused Nos.1 and 2

Vs

The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City,
(Cr. No.87/2024).

... Respondent/Complainant

For Petitioner : Mr.C.Saravanakumar,Advocate.

For Respondent : Mr.P.Kottaichamy,

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.87 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused 1 and 2, who apprehend arrest at the hands of the

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CRL OP(MD). No.7284 of 2024

respondent police for the offences punishable under Sections 406 and 420 IPC, in Crime No.87 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had obtained hand loan between 2016 and 2021 for a sum of Rs.10,60,000/- from the defacto complainant. However, they refused to repaid the same to the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the first petitioner is the husband of the second petitioner. The petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that for the occurrence took place in the year 2016, the FIR was registered in 2024.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that previously, a complaint was given by the defacto complainant against the petitioners, for which the petitioners have filed Crl.O.P.(MD) No.5902 of 2023 seeking not to harass them.



CRL OP(MD). No.7284 of 2024

WEB COPY

5. This Court by an order dated 13.07.2023 disposed of Crl.O.P.(MD) No.5902 of 2023 directing the respondent police therein to complete the enquiry given by the fourth respondent within a period of two weeks. In pursuance of the same, an enquiry was conducted and the same was closed. Now, once again a complaint was registered against the petitioners. He would further submit that no previous case is pending against the petitioners.

6. Taking into consideration the facts and circumstances of the case and also the fact that in the complaint itself, it has been stated that the petitioners had obtained hand loan in between 2016 and 2021 from the defacto complainant, the FIR was registered in 2024 and no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, 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 No.1, Thirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:



CRL OP(MD). No.7284 of 2024

WEB COPY

[a]the petitioners 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 petitioners 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 petitioners shall not tamper with the evidence or witness either during investigation or trial.

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

[e]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 are 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].



CRL OP(MD). No.7284 of 2024

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[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.I,TIRUNELVELI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PERUMALPURAM POLICE STATION, TIRUNELVELI CITY,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SARAVANAKUMAR, Advocate (SR-5519[I] dated 16/05/2024)

ORDER
IN

CRL OP(MD) No.7284 of 2024
Date :15/05/2024

PKP/VR/SAR /21.05.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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