



CRL OP(MD)No.10176 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 10.07.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10176 of 2024

Sathyendran

... Petitioner/Rank Not Known

Vs

The Inspector of Police,
District Crime Branch,
Sivagangai District.
(Crime No.Not Known of 2024)

... Respondent/Complainant

For Petitioner : Mrs.Rajalakshmi Poornachandran, Advocate

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate(Crl.side)

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

PRAYER :- For Anticipatory Bail in Crime No.Not Known of 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 Sections 406, 420 and 506(i) IPC Crime No.Not Known of 2024 on the file of the respondent police, seeks anticipatory bail.

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



CRL OP(MD)No.10176 of 2024

Rs.6,80,000/- from the defacto complainant, out of which, he repaid only a sum of Rs.2,80,000/-. When the defacto complainant questioned about the balance amount, the petitioner threatened him with dire consequences.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) for the respondent submits that a complaint was preferred by the defacto complainant before the learned Judicial Magistrate, Sivagangai under Section 156(3) Cr.P.C., and the same was forwarded to the respondent Police on 08.05.2024 and they are conducting enquiry. According to the learned Government Advocate(Crl.side), two summons have been issued to the petitioner. However, the petitioner has not appeared for the enquiry.

5.This Court is unable to accept the submission and it is also not known under what provision the respondent Police issued summons to the petitioner, without registering a case. The respondent Police can issue summon under Section 41(A) Cr.P.C., which can also be issued only after registering a case. In this case, without registering a case, an enquiry is kept pending for more than two months, even after the directions from the learned Magistrate under Section 156(3) Cr.P.C.



CRL OP(MD)No.10176 of 2024

6. In view of the above, this criminal original petition is disposed of with a direction to the respondent Police not to harass the petitioner.

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sd/-
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/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.10176 of 2024
Date :10/07/2024

SA/GS/SAR. /22.07.2024/3P/3C

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