



CRL OP(MD). No.18271 of 2024

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

Date : 12.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH
CRL OP(MD). No.18271 of 2024

Vivekanandan

... Petitioner / Accused No.1

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
District Crime Branch,
Trichy.
(Crime No.45 of 2024)

... Respondent/Complainant

For Petitioner : M/s.D.Boopal, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)

For Intervenor : Mr.K.Ashok Kumar Ram, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :- For Anticipatory Bail in Crime No.45/2024 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 offences under Sections 406, 420 and 294(b) of IPC, in Crime No.45 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 petitioner availed labour contract from the defacto complainant and a sum of Rs.64,06,614.94/- was due and payable by the petitioner which was not paid. The same resulted in giving a police complainant before the respondent.

3. When the matter came up for hearing on 05.11.2024, this Court passed the following order:-

“It is brought to the notice of this Court that the petitioner was called for enquiry by the respondent police after issuing summon and he had attended enquiry twice. In spite of the same, the petitioner is apprehending arrest by the respondent police.

2. Mr.K.Ashok Kumar Ram, the learned counsel, who appearing for the defacto complainant, want to intervene this case.

3. The learned Government Advocate shall take instructions from the respondent police as to what transpired in the enquiry and the further course of action that will be taken by the respondent police in this case.

4. Post the matter on 12.11.2024.”

4. Heard the learned counsel on either side and perused the material records of the case.



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5. The learned Government Advocate (Criminal Side), on instructions, submitted that the entire dispute pertains to the non-payment of the GST amount by the defacto complainant as per the version given by the petitioner. Therefore, the petitioner is willing to settle the entire amount, if the defacto complainant settles GST amount to the concerned authority. A written undertaking was also given to this effect.

6. Taking into consideration the facts and circumstances of the case and the nature of dispute between the parties, this case may not require any custodial interrogation, hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 on which the order copy made ready, before the learned Judicial Magistrate Court, Trichy, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb



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Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall appear before the respondent police as and when required for interrogation.

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

[d] the petitioner 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 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 229A IPC.

sd/-
12/11/2024

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/11/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

1.The Judicial Magistrate,
Trichy.

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Inspector of Police
District Crime Branch,,
Trichy.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.BOOPAL, Advocate (SR-13938[I] dated 13/11/2024)

ORDER
IN

CRL OP(MD) No.18271 of 2024

Date :12/11/2024

ED/ /SAR- (27/11/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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