



CRL OP(MD). No.19784 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1. Abdul Kalam Asad

2. Shajathi Begam

... Petitioners/ Accused 1 & 2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Karaikudai North Police Station,
Sivagangai District.
Crime No. 123/2023.

... Respondent/Complainant

For Petitioners : Mr.R. Mangayarkarasai, Advocate

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

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 123 of 2023 on the file of the Respondent
police.



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ORDER: The Court made the following order :-

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The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 IPC in Crime No.123 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's father and A1 are friends. During the year 2014, due to poverty, A1 requested the defacto complainant's father to send money to A2. During the period 2014 to 2019, the defacto complainant's father sent totally Rs.5,56,363/- on various dates. In the year 2019, the father of the defacto complainant passed away. Thereafter, when the defacto complainant demanded the money back, the accused persons threatened him. Hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent persons and they have been falsely implicated in this case. Originally, the father of the defacto complainant only borrowed money from A1 and he repaid part of the amount. After his death, he did not claim any amount from the defacto complainant. Hence, he prayed for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that in this case there are two accused persons. A1 and the defacto complainant's father were friends. A1 borrowed a sum of Rs.5,56,363/- from the father of the defacto complainant and



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thereafter, did not repay.

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5.Heard both sides and perused the materials available on record.

6.The petitioners had earlier moved anticipatory bail petition in Crl.O.P (MD) No.15782 of 2023 and considering the rival submissions on either side and considering the fact that there is money dispute between the parties, anticipatory bail was already granted to the petitioners vide order, dated 31.08.2023. However, the petitioners were not able to execute the sureties within the time fixed by this Court. Without seeking for extension of time, the petitioners filed one more anticipatory bail petition before this Court in Crl.O.P(MD) No.18429 of 2024 and that petition was withdrawn on 29.10.2024. This is the third anticipatory bail petition filed by the petitioners. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 on which the order copy made ready, before the learned Judicial Magistrate, Karaikudi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:



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[a] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.

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

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

[d] 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 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].

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

sd/-

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/ 11 / 2024

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

PNM

TO

1 THE JUDICIAL MAGISTRATE, KARAIKUDI.



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2. DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
KARAIKUDAI NORTH POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S. MANGAYARKARASAI. R Advocate SR.No.14234(I) dated
19/11/2024

ORDER
IN
CRL OP(MD) No.19784 of 2024
Date :15/11/2024

PSP/ VR /SAR /28.11.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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