



CRL OP(MD) No.21347 of 2023

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

Tuesday, the Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21347 of 2023

1 ELANGAMANI

2 GUNASEELAN

... Petitioners / Accused Rank not known

Vs

THE INSPECTOR OF POLICE
PERUMALPURAM POLICE STATION,
TIRUNELVELI DISTRICT.

(CRIME NO.NOT KNOWN OF 2023) ... Respondent / Complainant

For Petitioners : M/s.K.Jeyamohan, Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (CrI. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. NOT KNOWN OF 2023 ON
THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police
for the alleged offence under Sections 406 and 420 IPC in Cr.No.not known of 2023,



seek anticipatory bail.

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2.The case of the prosecution is that the de-facto complainant, claimed to the owner of the property. His son along with one Sundaralingam obtained the original document and the same was pledged with the accused persons for a sum of Rs.2,00,000/-. It is alleged that since the said amount was not paid by the son of the de-facto complainant, the accused persons threatened the de-facto complainant to alienate the said property and hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that a bare perusal of the complaint makes it clear that they collected money from Gunasekaran, who is the cousin of A-1 and it is purely a civil dispute and instead of ventilating the same before the civil Court, a false complaint has been given against the petitioners. Accordingly, he prays for anticipatory bail.

4.When the matter was taken up for hearing, the learned Government Advocate (Crl.side) submitted that pursuant to the complaint, a case in Crime No.727/2023 was registered on 30.12.2023 for offences under Sections 417, 418, 420 and 506(II) IPC and that there are no previous cases against the petitioners.

5. Considering the facts and circumstances of the case and considering the fact



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that the dispute is purely of civil in nature, I am inclined to grant anticipatory bail to the petitioners.

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6. Accordingly, the petitioners are granted anticipatory bail and they 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.I, Tirunelveli, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioners shall not tamper with evidence or witness either during



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investigation or trial;

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(f) the petitioners shall not abscond either during investigation or trial;

(g) 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]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RR

To

1.The Judicial Magistrate No.I,
Tirunelveli.

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



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3.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.

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

+1CC to M/s.K.JEYAMOHAN, Advocate, SR.No.113(I), dated 04/01/2024

ORDER
IN
CRL OP(MD) No.21347 of 2023
Date :02/01/2024

ED/ DD /SAR- (04/01/2024) 5P / 6C

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