



CRL OP(MD) No.23223 of 2023

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23223 of 2023

KARMEGASAMY

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION,
VIRUDHUNGAR DISTRICT.
(CRIME NO.573/2023)

... RESPONDENT/COMPLAINANT

CHANDRAMOHAN ... PETITIONER/INTERVENER/DEFACTO COMPLAINANT
IN CRL MP(MD).85/2024 IN CRL OP(MD).23223/2023

For Petitioner : M/S.SURYA.S, Advocate
For Respondent : MR.P.KOTTAICHAMY,
Government Advocate (Crl.Side)
For Intervener : MR.M.VINOTH SINGH MISRA, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.573 OF 2023 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 under Sections 294(b), 420, 468, 471 and 506(1) IPC in Crime



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No.573 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that the defacto complainant and the accused had started a business in the name and style of Surya Chemicals and executed a partnership deed and the supplementary deed. Thereafter, a difference of opinion arose between the defacto complainant and the accused. In order to usurp the business from the defacto complainant, the accused has taken RC in his name by producing forged documents and closed the partnership current account. When the defacto complainant enquired the same, the accused threatened him with dire consequences and has transferred the properties of Surya Chemicals illegally in his name. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the defacto complainant is the brother of the petitioner and it is purely a family dispute between the petitioner and the defacto complainant. Therefore, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case and the fact that it is a



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family dispute between the petitioner and the defacto complainant, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivakasi, 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 and on further condition that:

(a) if the petitioner 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;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during



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investigation or trial;

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(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;

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

sd/-
05/01/2024

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

SSB

TO

1 THE JUDICIAL MAGISTRATE NO.II, SIVAKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, SIVAKASI EAST POLICE STATION,
VIRUDHUNGAR DISTRICT.



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

+1 CC to M/s.S.SURYA, Advocate (SR-232[I] dated 05/01/2024)

ORDER

IN

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Date :05/01/2024

RS/JGB/SAR-(22.01.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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