



CRL OP(MD) No.23533 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.23533 of 2023

1 P.RAJA @ RAJAPANDIAN  
2 ILLAYARAJA

... PETITIONERS/ ACCUSED NOS.1 TO 2

Vs

THE INSPECTOR OF POLICE  
VIRUDHUNAGAR WEST POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
(CRIME NO.253/2023).

... RESPONDENT/COMPLAINANT

For Petitioners : MR.P.BANUPRASATH, Advocate  
For Respondent : MR.SS.MADHAVAN, Government Advocate (Crl.Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.253/2023 ON THE FILE OF  
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 323 and 506(i) of IPC in Crime No.253 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a textile shop and also covering jewellery business. He borrowed a sum of Rs.18,000/- from the first petitioner for developing his business. Thereafter, he has not repaid the same.



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Thereby, on 05.12.2023, at about 10.30 p.m, the second petitioner along with other accused said to have kidnapped the defacto complainant in a Car and abused him in filthy language and attacked him with hands and wooden logs and caused injuries to him. Further, they snatched a sum of Rs.48,000/- and a cell phone from him. Hence, the defacto complainant lodged a complaint before the Law Enforcing Authority.

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 further submitted that the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that there is money dispute between the first petitioner and the defacto complainant. The first petitioner is a History Sheeted. Apart from this case, he is having 10 previous cases similar in nature. Among them, one of the case is under Section 307 IPC, which is heinous in nature. In respect of A2 is concerned, 3 previous cases are pending against him not in similar nature. Hence, he vehemently, opposed to grant anticipatory bail to the petitioners.

5. Admittedly, the defacto complainant made a complaint as if, the petitioners along with other accused kidnapped the defacto complainant and snatched a sum of



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Rs.48,000/- and a cell phone. This Court perused the antecedent of the first petitioner.

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He is having 10 previous cases including the cases under Sections 307 and 399 IPC, which are heinous in nature. Hence, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this Criminal Original Petition is dismissed insofar as the first petitioner is concerned.

6. Insofar as the second petitioner is concerned, few cases are pending against him not in similar nature. Hence, I am inclined to grant anticipatory bail to the second petitioner.

7. Accordingly, this Criminal Original Petition is partly allowed and the second 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 Judicial Magistrate No.I, Viruthunagar, on condition that the second 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 second 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;



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

(c) the second petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(d) the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.



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TO

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1 THE JUDICIAL MAGISTRATE NO.I, VIRUTHUNAGAR.

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

3 THE INSPECTOR OF POLICE, VIRUDHUNAGAR WEST POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.P.BANU PRASATH, Advocate ( SR-216[I] dated 05/01/2024 )

ORDER

IN

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Date :05/01/2024

RS/JGB/SAR-(10.01.2024) 5P 6C

Madurai Bench of Madras High Court is issuing  
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