



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 31/07/2019

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PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10712 of 2019

1. Veerappan
2. Murugan
3. Vairamuthu

... Petitioners/Accused No.4 to 6

Vs

State rep. by  
The Inspector of Police,  
Panthalgudi Police Station,  
Virudhunagar District.  
(Cr.No.89/2019).

... Respondent/Complainant

For Petitioner : M/s.A.Balaji,  
Advocate.

For Respondent : Mrs.M.Anantha Devi,  
Government Advocate (Crl.Side)

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

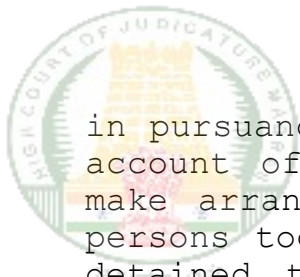
PRAYER :-

For Anticipatory bail in Cr.No.89/2019 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 offences punishable under Sections 365, 342, 347, 324, 506(ii), 387 and 397 of IPC in Crime No.89 of 2019, seek anticipatory bail.

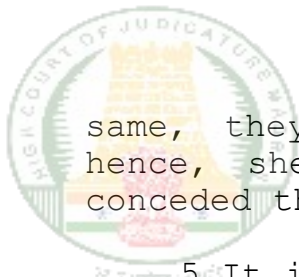
2.The case of the prosecution is that A1 is a contractor for laying road. One Balaji being sales representative of one company viz., X-TEND Equipment private limited and entered into an oral agreement with A1 to lease out a grader machine of their company and



in pursuance of the same, A1 has paid a sum of Rs.2,70,000/- to the account of the company and subsequently the said company did not make arrangements for the said machine and hence all the accused persons together abducted the defacto complainant on 15.07.2019 and detained the defacto complainant, who is also one of the sales representatives of the aforesaid company and compelled him to call the said Balaji and accordingly the said Balaji came there and all the accused persons illegally confined the defacto complainant and the said Balaji and assaulted them and forcibly taken a sum of Rs.22,000/- and jewels from Balaji and also threatened to return the aforesaid amount of the Rs.2,70,000/- with expenses of Rs.1,30,000/-. Accordingly, the company has paid a sum of Rs.2,70,000/- to the account of A1 and thereafter, released them by threatening that they should not give any complaint.

3.The learned counsel appearing for the petitioners has submitted that since the aforesaid company viz., X-TEND Equipment private limited has not leased out the machine or return the said amount, A1 demanded to repay the said amount and accordingly, on 16.07.2019, the said company has paid the amount of Rs.2,70,000/- to the account of A1. He further submitted that since the interest for the aforesaid amount has not been paid, the petitioners and other accused persons have demanded to pay the interest and aggrieved by the same, at the instance of the company, after four days, on 20.07.2019 the defacto complainant has lodged a false complaint against the petitioners. He further submitted that even though the Accused No.1 to 3 were arrested on 21.07.2019 and subjected to interrogation, the properties as alleged by the defacto complainant in the complaint (I.e. Rs.22,000/- and jewels) were not recovered from AH03 and that itself would show that the aforesaid complaint has been given with false averments. He further submitted that though the defacto complainant in the FIR, has stated that the defacto complainant and the said Balaji were assaulted by the petitioners and other accused persons on 15.07.2019, the said Balaji not at all took any treatment. The defacto complainant alone admitted in the hospital on 20.07.2019. But the Doctor has noted that no external injuries found on his body and that also would show that the alleged assault is false. He further submitted that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that no previous case is pending against the petitioners and therefore, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that on 15.07.2019 all the accused persons have detained the defacto complainant and compelled him to call another sales representative namely Balaji and all the accused persons have assaulted both the sales representatives and threatened to pay the amount of Rs.2,70,000/- and accordingly the company has paid the said amount to the account of A1 and not satisfied with the



same, they demanded to pay additional sum of Rs.1,30,000/- and hence, she strongly opposed this petition. However, she fairly conceded that no previous case is pending against the petitioners.

5. It is an admitted fact that A1 entered into an agreement with the company namely X-TEND Equipment private limited through its sales representative namely Balaji for getting lease of grader machine on 05.07.2019 and paid a sum of Rs.2,70,000/- to the account of the said company but, the said company did not lease out machineries and nor come forward to return the said amount. Further, though it is stated in the FIR that on 15.07.2019 all the accused persons have detained the defacto complainant and the said Balaji and assaulted them and forcibly taken away a sum of Rs.22,000/- and jewels, the police have not recovered those articles from A1 to A3, even though they were arrested and subjected to interrogation. Further, the Case Diary also shows that the said Balaji did not take any treatment and only the defacto complainant went to the hospital on 20.07.2019 I.e after five days but the Doctor has observed that no external injuries found on his body.

6. Taking into consideration the aforesaid facts and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners by imposing 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukottai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

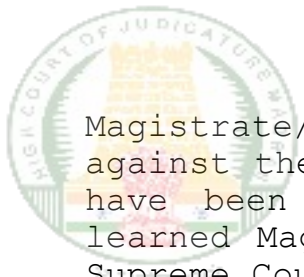
(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].

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

sd/-  
31/07/2019

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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI
  - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
  - 3 THE INSPECTOR OF POLICE  
PANTHALGUDI POLICE STATION, VIRUDHUNAGAR DISTRICT
  - 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.BALAJI Advocate SR.No.12624

ORDER  
IN  
CRL OP(MD) No.10712 of 2019  
Date :31/07/2019

vsg  
JMN/PN/SAR-1/07.08.2019/4P-6C