



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

Tuesday, the Sixteenth day of June Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP (MD) No.10189 of 2015

WEB COPY

1 THAHIRA
2 MOHAMMED HANIFA
3 SALEEM

... PETITIONERS/ACCUSED No.3,5 AND 7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY DT,
CRIME NO.8/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.ILLANCHEZIAN Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A.3, A.5 and A.7 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 294(b), 506(ii) and 420 of IPC, in Crime No.8 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the accused had borrowed Rs.54,00,000/- from the de-facto complainant, assuring to do a Real Estate business.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that there were transactions between the de-facto complainant and A2, who is the brother of A1 and the occurrence took place between 26.06.2013 and 01.06.2014, but the present complaint was given only on 12.04.2015. It is further submitted that in the meanwhile, A2 kidnapped by the de-facto complainant, for which a case was registered on 13.07.2014 against the de-facto complainant in Crime No.592 of 2014 on the file of the Singanallur Police station, Coimbatore and in that case, the de-facto complainant was arrested and released on bail. It is further submitted that the petitioners filed W.P(MD)No.16747 of 2014 before this court for 'not to harass' and the same was ordered on 13.10.2014.

4.The learned counsel further submitted that A2 had filed I.P.No.44 of 2014 on 25.06.2014 before the Sub Court, Trichy, in which the de-facto complainant has arrayed as 2nd respondent and in which, he has categorically stated that A2 had borrowed Rs.48,00,000/- from the de-facto complainant.



5.The learned Counsel for the petitioners further submitted that the second petitioner/A.5 was arrested on 09.06.2015.

6. Heard the learned Government Advocate (Criminal side) appearing for the respondent.

7.Considering the submission made by the learned Counsel for the petitioners that the second petitioner/A.5 was arrested on 09.06.2015, this Criminal Original Petition is dismissed as infructuous insofar as the second petitioner/A.5 is concerned.

8.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 1 and 3 with certain conditions.

9.Accordingly, the petitioners 1and 3 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.V, Trichirappalli and on each of them executing 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 learned Magistrate concerned and on further condition that the third petitioner shall appear before the respondent police daily at 10.00 a.m until further orders and the first petitioner shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

10.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
16/06/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,TRICHY.
- 2 DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
- 3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY DT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to M/S.V.ILLANCHEZIAN Advocate SR.No.31153

ORDER
IN
CRL OP(MD) No.10189 of 2015
Date :16/06/2015