



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

Monday, the Twenty Third day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.11963 of 2015

A. MUSHABARSHA

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
NAGAMALAI POLICE STATION, MADURAI DISTRICT,
IN CR.No. 334 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.MOHAMED NOWSATH Advocate

For Respondent : M/S.K.Anbarasan Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

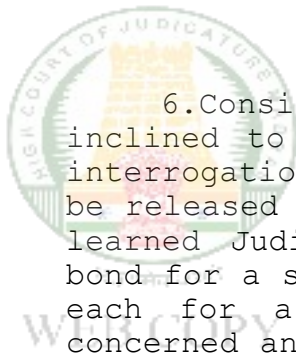
The petitioner apprehends arrest at the hands of the respondent police for the alleged offence punishable under sections 420 and 506(i) of I.P.C,. in Crime No.334 of 2015, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is the owner of the property leased out the property to the defacto complainant and received a sum of Rs.1,50,000/- from the defacto complainant and put the defacto complainant in possession of the property. Subsequently, he did not repay that amount to the defacto complainant and cheated. Therefore, the defacto complainant has given the complaint and the same was registered in Crime No.334 of 2015 for the offences stated above.

3.The case of the petitioner is that the defacto complainant entered an agreement with the petitioner for occupying the petitioner's property for a period of two years. The petitioner received a sum of Rs.1,50,000/- in July 2012. On completion of agreement period, the defacto complainant wanted to extend the lease agreement. The petitioner did not agree for the same. The defacto complainant locked the house and given a false complaint.

4.The learned Government Advocate(Crl. Side) submitted that the petitioner has not repaid the amount received from the defacto complainant, thereby he cheated the defacto complainant.

5.The learned counsel appearing for the petitioner submitted that the matter was referred before the mediation and the defacto complainant did not appear before the mediation. The learned counsel for the petitioner submitted that the petitioner will be able to return the money only by letting out the house to third party. But the defacto complainant locked the house and did not hand over the key. Therefore, the petitioner is unable to repay the amounts.



6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, as his custodial interrogation is not required. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.VI, Madurai and on executing a personal 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 petitioner shall appear before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter, as and when required for the purpose of interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C., scrupulously.

7.The petitioner 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/-
23/11/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, NO.VI, MADURAI.
 - 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4 THE INSPECTOR OF POLICE
NAGAMALAI POLICE STATION, MADURAI DISTRICT.
- +1. CC to M/S.M.MOHAMED NOWSATH Advocate SR.No. 66998.
- TS/11.12.2015/2P-6C/SK-SKN/SAR - II

ORDER IN
CRL OP(MD) No.11963 of 2015
Date :23/11/2015