



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

Tuesday, the Thirtieth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.12047 of 2015

GUNASEKARAN

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
MUSIRI POLICE STATION, TRICHY DISTRICT,
CRIME NO.369 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.PITCHAI MUTHU Advocate

For Respondent : M/S.K.V.RAJARAJAN Govt. Advocate (Crl. Side)

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

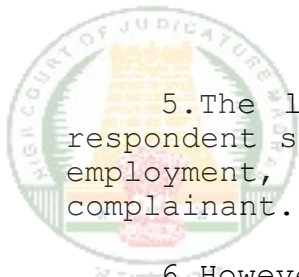
ORDER : The Court Made the following order :-

The petitioner, who is the sole accused apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections **(*)294(b), 323, 420 and 506(i) of IPC**, in Crime No.369 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant G.Latha, the accused had received Rs.1,00,000/- in the year 2006 assuring employment, but he did not secure employment for her.

3.The learned counsel for the petitioner submitted that the de-facto complainant is living away from her husband along with her two children from the year 2002 and she borrowed Rs.3,00,000/-from the petitioner and when the petitioner insisted her to repay the loan amount, he was threatened by the de-facto complainant. It is further submitted that the wife of the petitioner, namely Dhalakshmi issued notice to the de-facto complainant on 14.05.2008 narrating the above facts.

4. The learned counsel further submitted that the de-facto complainant has filed a private complaint in STC No.1938 of 2008 under section 138 of the Negotiable Instruments Act alleging that the cheque issued by the petitioner was dishonoured, however the case was dismissed for non-prosecution on 02.12.2011. It is further submitted that the de-facto complainant had lodged a false complaint against the petitioner in the year 2015, which was enquired into by the respondent and it was closed and thereafter, the present complaint is filed. The learned counsel has also produced the typed set of papers containing the representation of his wife and the private complaint filed by the de-facto complainant as well as the order passed in STC No.1938 of 2008, dated 02.12.2011.



5.The learned Government Advocate (Criminal side) appearing for the respondent submitted that this is a case of job bracketing and by assuring employment, the accused received Rs.1,00,000/- from the de-facto complainant.

6.However, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Musiri, Trichy District and on his 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 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 interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.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/-

30/06/2015

((*)Amended as per order dated.24/07/2015

and made in MP(MD)No. 1 of 2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

SUBSTITUTED ORDER COPY ALRADY DESPATCHED:

- 1 THE JUDICIAL MAGISTRATE, MUSIRI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE
MUSIRI POLICE STATION, TRICHY DISTRICT.

+1. CC to M/S.M.PITCHAI MUTHU Advocate SR.No. 41737

TS/02.07.2015/2P -6C

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ORDER

IN

CRL OP(MD) No.12047 of 2015

Date :30/06/2015