



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

Tuesday, the Twenty Seventh day of January Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.1227 of 2015

WEB COPY

1 DHANUSHKODI
2 VASUKI
3 M. RAJA
4 MANI

... PETITIONERS/ACCUSED 1 TO 4

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DT,
CRIME NO.44/2015

... RESPONDENT(S) / COMPLAINANT(S)

For Petitioner : M/S.E.M.S.N.LAW ASSOCIATES Advocate

For Respondent : MR.C.RAMESH, Govt. Advocate (Crl. Side)

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

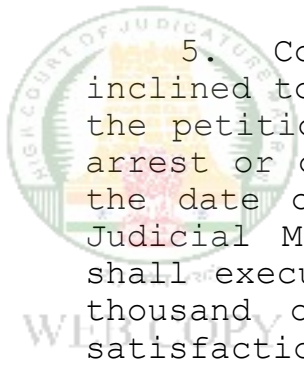
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 and 506(ii) IPC in Crime No.44 of 2015 on the file of the respondent police, seek anticipatory bail.

2. This case has been registered pursuant to the orders of this Court in Crl.O.P.No.15114 of 2014 dated 20.12.2014. On a reading of the complaint it appears that the defacto complainant has borrowed a loan of Rs.8 lakhs from the first petitioner herein and she had pledged her jewelery with him. It is alleged by the defacto complainant that even after entire amount has been repaid to the petitioner in the year 2013, he has not returned the jewels.

3.The learned counsel for the petitioner submits that even according to the defacto complainant, he has paid the amount in the year 2013 but the complaint has been lodged only after lapse of two years.

4. It is seen that on the basis of the complaint lodged by this petitioner a case in Crime No.45 of 2014 has been registered by the same respondent police against the defacto complainant. Thus it appears that both the parties are using police machinery for settling the civil dispute.



5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. 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, Devakottai, on condition that the petitioner shall execute a separate 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] the first petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required and the other petitioners shall appear before the respondent police as and when required.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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 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]**.

sd/-
27/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, DEVAKOTTAI
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DT,
- 4 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.E.M.S.N.LAW ASSOCIATES Advocate SR.No.3523

ORDER

IN

CRL OP(MD) No.1227 of 2015

Date :27/01/2015