



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

Tuesday, the Third day of February Two Thousand Fifteen

PRESENT

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The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.12968 of 2014

1 RAJKUMAR
2 VIGNESH RAMARAJ
3 JOSHVA @ NAICKAM ... PETITIONERS/ACCUSED 1, 5 & 6

Vs

STATE REP BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI
CR.NO.33/2014 ... RESPONDENT/COMPLAINANT

R.SURESH ... INTERVENOR

For Petitioner :MR.B.PRAHALAD RAVI FOR
M/S.HALL MARK ASSOCIATES Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

For Intervenor : MR. R.UDHAYAKUMAR Advocate

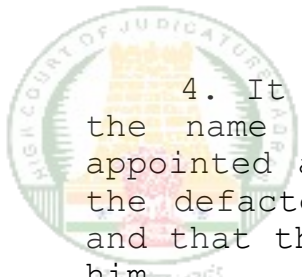
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 120(b), 406, 420 and 506(i) IPC in Crime No.33 of 2014 on the file of the respondent police, seek anticipatory bail.

2.Initially, the matter was sent to Mediation Centre and failure report dated 09.12.2014 has been sent from Mediation.

3. This case has been registered pursuant to direction issued by this Court in Crl.O.P.No.5736 of 2014. Today, there is no representation for the petitioner. Heard the learned Government Advocate(Crl.side) appearing for the State and the learned counsel appearing for the intervenor, who would strongly object to grant of anticipatory bail to the petitioners. The respondent police is also present. This Court perused the case diary.



4. It is seen that the petitioners herein floated a lay out in the name of Krishna Promoters and the defacto complainant was appointed as one of the agents for promoting. It is represented by the defacto complainant he has paid Rs.38,000/- to the petitioners and that they had not sold the property to the purchasers brought by him.

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5. The learned Government Advocate on instruction from the police submitted that except the defacto complainant there is no other complaint given by any persons against these petitioners. Hence, the allegations prima facie appears to be civil in nature.

6. 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 No.I, Madurai, on condition that the petitioners 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 petitioners shall appear before the respondent police daily 10:30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[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/-

03/02/2015

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



TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, MADURAI.
- 4 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.HALL MARK ASSOCIATES Advocate SR.No.5719

ORDER

IN

CRL OP (MD) No.12968 of 2014

Date : 03/02/2015

AA/06.02.2015/3p- 6c/