



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

Monday, the Fifth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.13654 of 2015

1 M.JOSEPH RAJA
2 WINNARASI

... PETITIONERS/ACCUSED NO.1&2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
SATHANKULAM TALUK, THOOTHUKUDI DISTRICT.
(CRIME NO. 177/2015)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.S.BHARATHY KANNAN ADVOCATE
FOR RESPONDENT : MRS.S.PRABHA, GOVERNMENT ADVOCATE (CRL.SIDE)

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

ORDER : The Court Made the following order :-

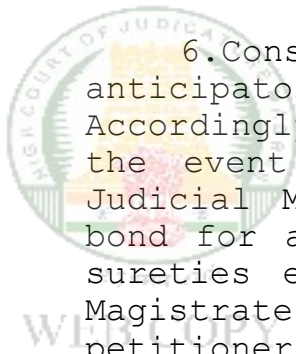
The petitioners, who are arrayed as accused Nos.1 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 of IPC, in Crime No.177 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the defacto complainant, on 17.09.2014, the accused have borrowed jewels, but without her knowledge pledged the jewels with Muthoot Finance to raise a loan of Rs.2,04,000/-.

3.The learned counsel for the petitioners submitted that during the month of May, 2011, the first petitioner had borrowed money from one Jerome Christhuraraj, the husband of the defacto complainant for interest and after settling the entire amount, he again borrowed a sum of Rs.2,00,000/- in the year 2014. Due to the dispute of payment of Principal and interest, a false complaint was given against him.

4.The learned counsel for the petitioners further submitted that as per the direction of this Court, the petitioners appeared before the Mediation Centre, but the defacto complainant did not turn up, therefore, the matter could not be settled between the parties.

5.Heard the learned Government Advocate (Crl.Side) appearing for the respondents.



6. Considering the facts, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Sathankulam 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 first 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 and the second petitioner shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. 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/-
05/10/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, SATHANKULAM.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
 3. THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
SATHANKULAM TALUK, THOOTHUKUDI DISTRICT.
 4. THE CHEIF CO ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.BHARATHY KANNAN Advocate SR.No. 59103

ORDER
IN
CRL OP (MD) No.13654 of 2015
Date : 05/10/2015