



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

Friday, the Twenty Eighth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.13713 of 2015

B.SARAVANAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

(CRIME), B5, SOUTH GATE, MADURAI CITY,

IN CRIME NO.495 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.J.DEVASENAN Advocate

For Respondent : M/S.S.PRABHA, 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 arrayed as sole accused apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 120(B), 406 and 420 of IPC, in Crime No.495 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant namely S.Sridhar that he was working as Commission Agent and on 10.01.2015 and 12.01.2015 he sold 637 grams of gold jewels for commission on the assurance that the accused will pay the cost of the jewels, but the accused failed to pay the amount.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that one Karthick, who is the close friend of the de-facto complainant, preferred a complaint before the same respondent police with similar allegation and in this regard, a case stands registered in Crime No.47 of 2015 and the petitioner was arrested in that case and he was released on bail, after 30 days in judicial custody. It is further contended that the de-facto complainant has specifically mentioned about the earlier complaint given by the said Karthick and this case was registered, based on the direction issued by this court in Crl.O.P(MD)No.3122 of 2015.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the petitioner is the *modus operandi* to purchase jewels through brokers and latter he failed to pay the



cost of the jewels. It is further submitted that the petitioner is having one previous case.

5.The learned counsel for the petitioner further contended that in respect of Crime No.47 of 2015, the petitioner was released on bail by the learned Principal District Judge, Madurai in Cr.M.P.No.989, dated 23.02.2015. It is further submitted that the petitioner was appearing before the Mediation Centre as per the direction of this court, but the de-facto complainant did not turn up and therefore, the mediation could not be conducted.

6.Considering the above 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 No.IV, Madurai 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 until further orders. 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/-
28/08/2015

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.IV, MADURAI.
- 2.THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3.THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4.THE INSPECTOR OF POLICE (CRIME), B5, SOUTH GATE, MADURAI CITY.
- +1. CC to M/S.J.DEVASENAN Advocate SR.No.49890

ORDER
IN
CRL OP(MD) No.13713 of 2015
Date :28/08/2015

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