



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

Tuesday, the Twentieth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.14982 of 2014

T. SENTHILKUMAR ... PETITIONER /SOLE ACCUSED

B.PREM ANAND ...INTERVENER

Vs

THE STATE REP,BY
THE INSPECTOR OF POLICE
THIRUNAGAR POLICE STATION, MADURAI DT,
CRIME NO.477/2014 ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.J.JEYAKUMARAN Advocate

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

For Intervener : MR.M.MOHAMED SHERBUDEEN,Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 420 and 460 IPC in Crime No.477 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. On 8.1.2015 this Court passed the following order:

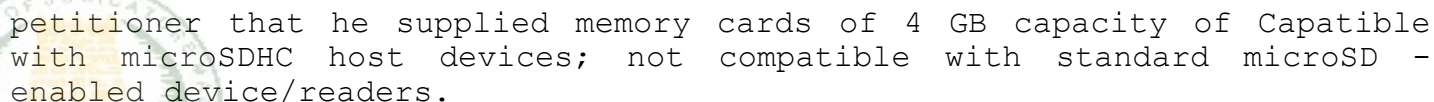
'The case of the prosecution is that this petitioner sold 2400 memory cards to the de-facto complainant for Rs.3 lakhs and it was found that those memory cards are fake cards and it cannot be used for storing any data. When the de-facto complainant brought to the notice of this petitioner, he repudiated it.

2.The Investigating Officer is present.

3.Now, the learned counsel for the Intervenor submits that he is willing to produce 2400 memory cards before this Court and give it to the petitioner and the learned counsel for the petitioner submits that he will instruct his client to make good the loss.

4.It is seen that this petitioner has paid Rs.55,000/- to the de-facto complainant. Hence, this case is adjourned to 09.01.2015 'for orders'. On that date, the de-facto complainant shall be present with 2400 memory cards and the petitioner shall also be present before this Court.'

<https://hcservices.courts.gov.in/hcservices> The defacto complainant and the petitioner are present before this Court. According to the defacto complainant, the petitioner supplied memory cards with adapter whereas it is the case of the



4. On an analysis of the facts obtaining in this case it appears that the petitioner has supplied Chinese make memory cards to the defacto complainant and the defacto complainant is making a complaint that it does not have the requisite memory as represented by the petitioner. In this case the petitioner has paid Rs.54,750/- to the defacto complainant.

5. Under such circumstances, it will be in the fitness of things if the petitioner is directed to deposit a sum of Rs.50,000/- within a period of two weeks from the date of receipt of the order before the learned Judicial Magistrate No.VI, Madurai without prejudice to his defense. The learned Magistrate is directed to decide disbursal of the said amount at the end of the trial. As regards the other disputes, the parties are directed to settle the same before the civil forum. The learned Magistrate shall deposit the sum of Rs.50,000/- in Fixed Deposit in any Nationalized Bank initially for one year and thereafter renew it periodically and decide about the disbursal of the amount at the culmination of the case.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai, on condition that the petitioner shall execute 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 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 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 for interrogation.

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

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

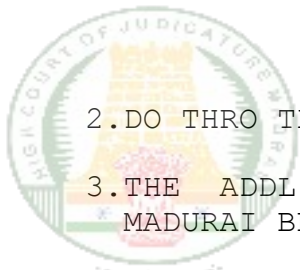
[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
20/01/2015

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

TO



2.DO THRO THE CHEIF JUDICIAL MAGISTRATE, MADURAI

3.THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4.THE INSPECTOR OF POLICE
THIRUNAGAR POLICE STATION, MADURAI DISTRICT.

+1. CC to M/S.J.JEYAKUMARAN Advocate SR.No.2338

+1CC TO MR.M.MOHAMED SHERBUDEEN,Advocate SR NO.2429

ORDER
IN
CRL OP(MD) No.14982 of 2014
Date :20/01/2015

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