



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

Thursday, the Third day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.15019 of 2015

DHINAGARA MOHAN

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
MADURAI,
(CRIME NO. 45 OF 2014)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.RAHUL Advocate

For Respondent : MRS.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 the accused, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 419, 465, 468, 471, 474, 475 and 420 of I.P.C., in Crime No.45 of 2014 on the file of the respondent police, seeks anticipatory bail.

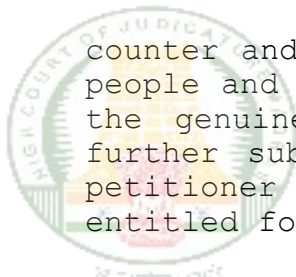
2. According to the prosecution, the accused have collected Rs.8,000/- each from 21 persons assuring to issue patta in their favour and thereafter, issued fake patta and thereby cheated the de-facto complainant.

3. The learned counsel for the petitioner submitted that the petitioner is a senior citizen of 70 years and he is also retired employee from transport corporation and only to help the de-facto complainant and others in that area, he collected money and handed over the same to the first accused viz., Tharbar Raja on 07.04.2010 and 07.09.2010 and in the month of March 2012 and the first accused had issued patta in favour of the persons and he was not aware of the genuineness of the document.

4. It is further submitted that the prime accused was already arrested and released on bail and the petitioner without prejudice to his right in the criminal case, ready to deposit the total amount of Rs.1,68,000/- to the credit of Crime No.45 of 2014 and he has also filed

<https://hcservices.courts.gov.in/hcservices>

5. The learned Government Advocate (Crl.side) filed a detailed



counter and also submitted that the de-facto complainants are downtrodden people and the petitioner being a retired employee ought to have verified the genuineness of the pattas given by the first accused and it is further submitted that the witnesses have specifically stated that the petitioner has collected money from them and therefore, he is not entitled for anticipatory bail.

6. However, considering the submissions of the learned counsel for the petitioner and the affidavit, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate No.I, 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 deposit a sum of Rs.1,68,000/- (Rupees one lakh and sixty eight thousand only) to the credit of Crime No.45 of 2014 before the learned Judicial Magistrate No.I, Madurai within a period of two weeks and on such deposit, the learned Judicial Magistrate No.I, Madurai shall disburse the amount to the aggrieved party, on proper identification by the respondent police and the petitioner shall appear before the respondent police as and when required. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Judge 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/-
03/09/2015

/ TRUE COPY /

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

TO

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

+one cc to Mr.A.Rahul, Advocate in SR.NO.51914

ORDER
IN
CRL OP(MD) No.15019 of 2015
Date :03/09/2015