



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

Thursday, the Fifteenth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.15366 of 2015

1 SURULIRAM

2 NITHYA URVASHI

... PETITIONERS/ACCUSED NOS.1&2

GOMATHI

... INTERVENOR

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
SOUTH POLICE STATION,
THOOTHUKUDI.

(CRIME NO.627 OF 2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.V.SASIKUMAR Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

For Intervenor : M/S.N.SHANMUGASELVAM, Advocate

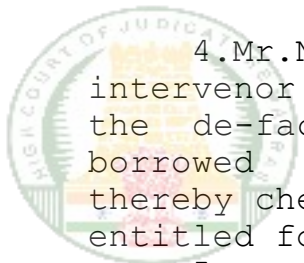
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A2 apprehend arrest at the hands of the respondent police for the alleged offence punishable under section 420 of IPC, in Crime No.627 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant Mrs.Gomathi, W/o.Ganesan that she is a Stamp Vendor in Thoothukudi and the accused approached her for registration of the document and thereafter, he became her friend and on two occasions, the accused had borrowed totally Rs.11 Lakhs from the de-facto complainant for registration of a sale deed and issued a cheque bearing registration No.756895 drawn on Indian Bank for discharge of his liability and thereafter, requested her not to present cheque stating that he had no sufficient funds in his account and thereby cheated her.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel further submitted that the petitioners are husband and wife and even as per the allegation in the complaint, the transactions between the accused and the de-facto complainant are purely civil in nature and instead of approaching a competent civil court, this criminal complaint was given with an ulterior motive. The learned counsel submitted that to show their *bona fide*, the petitioners are ready to deposit Rs.1,00,000/- before the court.



4.Mr.N.Shanmugaselvam, learned counsel appearing for the intervenor submitted that the accused have become acquainted with the de-facto complainant, while registration of the document, borrowed huge amount, but they failed to repay the amount and thereby cheated the de-facto complainant and therefore, they are not entitled for any indulgence of this court.

5.Heard the learned Government Advocate (Criminal side) appearing for the respondent.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Thoothukudi 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 petitioners shall deposit a sum of Rs.1,00,000/- [Rupees One Lakh only] to the credit of Crime No.627 of 2015 and on further condition that 1st petitioner shall appear before the respondent police daily at 10.00 a.m until further orders and the 2nd 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.

8.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/-

15/10/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI
2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT
3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4.THE INSPECTOR OF POLICE,SOUTH POLICE STATION, THOOTHUKUDI.
+ONE CC TO M/S.N.SHANMUGA SELVAM, Advocate, SR.No.61938
RL/6 C- 26/10/2015

ORDER

IN

CRL OP(MD) No.15366 of 2015

Date :15/10/2015