



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

Tuesday, the Eighteenth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.15645 of 2015

MOHAMED HANIFA

..PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY
THE SUB INSPECTOR OF POLICE
A.MUKKULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 37 OF 2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.MUNIYANDI 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 arrayed as sole accused apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 406 and 420 of IPC, in Crime No.37 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant one Prakasam, that on 12.10.2014 he gave Rs.88,500/- to the accused to secure employment for his son-in-law in Kuwait.

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 the petitioner borrowed Rs.50,000/- from the de-facto complainant on 24.04.2014 and on the same day, he introduced one Balamurugan s/o Karupiah and later, he agreed to sell his land to an extent of 8 cents for Rs.6,40,000/- to the petitioner and also received Rs.4,00,000/- towards advance. It is further submitted that despite the petitioner had paid Rs.2,25,000/- to the said Prakasam for the loan amount of Rs.50,000/-, he demanded further sum of Rs.1,75,000/- and he also threatened the petitioner through some other persons. Therefore, the petitioner sent a complaint to the Superintendent of Police on 23.02.2015, which was received by the police on 24.02.2015. The learned counsel further submitted that the petitioner has filed Crl.O.P(MD)No.3656 of 2015 before this court for direction to register a case against the de-facto complainant and the same was ordered on 30.03.2015.

It is further submitted that the respondent issued a summon to the petitioner on 30.03.2015 stating that in respect of the money transaction, the de-facto complainant gave a complaint against the



petitioner summoning him to appear for enquiry on 31.03.2015 and long thereafter, this complaint was given on 27.02.2015.

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

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, Aruppukottai 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 as and when required for interrogation. 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/-
18/08/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

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

4 THE SUB INSPECTOR OF POLICE
A.MUKKULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S S.MUNIYANDI Advocate SR.No.47534

Akm/24.08.2015 /2p-6c/

ORDER
IN
CRL OP(MD) No.15645 of 2015
Date :18/08/2015