



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

Tuesday, the Third day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP (MD) No.15699 of 2015

B. SHIVAKUMAR

... PETITIONER/SOLE ACCUSED

Vs

STATE REP BY INSPECTOR OF POLICE,
SEEVALAPERI POLICE STATION,
THIRUNELVELI DISTRICT.
(CRIME NO. 93 OF 2015)

... RESPONDENT/COMPLAINANT

MUTHKRISHNAN

... INTERVENOR

For Petitioner : MR.AL.KANNAN FOR M/S.S.RAVI Advocate
For Respondent : MR.K.ANABARSAN, Govt. Advocate (Crl. Side)
For Intervenor : MR.P.SAMUEL GUNASINGH Advocate

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.93 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner borrowed a sum of Rs.50,00,000/- from the defacto complainant in the year 2012 and did not repay the amount and hence, the defacto complainant has given a complaint under Section 406 and 420 of IPC.

3.The learned counsel for the petitioner submitted that the petitioner did not borrow any money from the defacto complainant and infact he does not know the defacto complainant. The petitioner had financial dealing with one Govindarajalu and executed certain blank promisory notes and documents. The transaction with Govindarajalu was settled in full and he had not returned the documents on the ground that he had misplaced the same. The said Govindarajalu and the defacto complainant have colluded together and given a complaint.



4.It is further submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence and prays for anticipatory bail in favour of the petitioner.

5.The learned Government Advocate (Crl.Side) submitted that investigation is pending.

6.The learned counsel for the intervenor submitted that the petitioner borrowed a sum of Rs.50,00,000/- from the defacto complainant and he has no intention of repaying the amount. Unless the petitioner is examined under the custody, the petitioner will escape from paying the amounts.

7.From the materials on record, it is seen that the defacto complainant claims to have lent money to petitioner and petitioner did not repay the same. The transaction relates to the year 2012 and there were exchange of notices.

8.Considering the above facts, 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 arrest or on his appearance before the learned Judicial Magistrate No.III, Tirunelveli and on 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.

9. 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/-
03/11/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.III,TIRUNELVELI
- 2 THE CHIEF JUDICIAL MAGISTRATE,TIRUNELVELI
- 3 THE INSPECTOR OF POLICE,SEEVALAPERI POLICE STATION,
THIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI

ORDER
IN
CRL OP(MD) No.15699 of 2015
Date :03/11/2015