



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.16342 of 2015

1 SANKAR
2 HEPZIBAH

... PETITIONERS/ ACCUSED 1 & 3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH
TIRUNELVELI
(CR. NO 17 OF 2015)

... RESPONDENT/ COMPLAINANT

KANDASAMY

... INTERVENER

For Petitioner : M/S.T.A.EBENEZER Advocate

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

For Intervener : Mr.D.Venkatesh, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 and 3, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 and 506(ii) of I.P.C., in Crime No.17 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant, the accused have canvassed the de-facto complainant to invest in a real estate online share marketing and real estate business to earn more money and based on the representation, they deposited Rs.28lakhs, however, subsequently they were cheated by the accused.

3.The learned counsel for the petitioners submitted that the petitioners are husband and wife and one of the de-facto complainants viz., Kandasamy preferred a complaint to Valliyoor Police Station on 09.09.2014, specifically stating that the first petitioner has introduced the second accused to the de-facto complainant and based on the representation of the second accused, the de-facto complainant and his friends have invested 28 lakhs in the business and a similar complaint was given to Deputy Superintendent of Police, Valliyoor.

4.The learned counsel for the petitioners further submitted that the ~~respondent~~ ~~complainant~~ ~~accused~~ issued cheques to the de-facto complainant and his friends to discharge his liability and due to dishonour of cheque, one Anita and Jeba have filed a private complaint under Section 138 of



Negotiable Instruments Act before the Judicial Magistrate, Valliyoor, categorically stating that the first accused have introduced them to the second accused. However, now they have alleged that the amounts were received by the petitioners and deposited in the account of the second accused.

5.The learned counsel for the intervenor vehemently opposed granting of anticipatory bail to the petitioners stating that they have received huge amount of Rs.28 lakhs from the de-facto complainant party and cheated them.

6.The learned Government Advocate(Crl.side) filed a counter affidavit and also vehemently opposed granting of bail to the petitioners.

7.However, considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate No.i, Tirunelveli and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police daily at 10.00a.m. until further orders and the second 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/-

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, TIRUNELVELI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TIRUNELVELI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.A.EBENEZER Advocate SR.No.51652

ORDER

IN

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Date :03/09/2015