



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

Thursday, the Nineteenth day of November Two Thousand Fifteen
PRESENT

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

CRL OP(MD) No.16732 of 2015

1 M.SUDHARSAN

2 M. VIJAYAKUMAR

... PETITIONERS/ACCUSED(RANK NOT KNOWN)

Vs

THE STATE REP BY

THE INSPECTOR OF POLICE

ANNA NAGAR POLICE STATION

MADURAI DISTRICT

(CRIME NO.NOT KNOWN OF 2015) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.THAMIZHARASAN Advocate

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

For Intervenor : M/S.M.S.SARAVANAKUMAR, Advocate

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

ORDER : The Court Made the following order :-

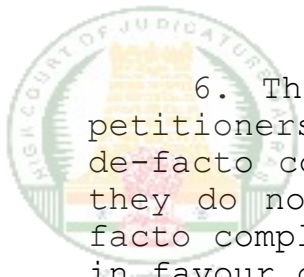
The petitioners, who are arrayed as Accused apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 418 and 420 of IPC, in Crime No.not known of 2015, on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that one Raja Soundaram, one of the partners of Bima Bricks Industries, gave a complaint against the petitioners, who are all other partners in the said Industry.

3. According to the *de-facto* complainant, the petitioners compelled him to join in the Industry as a partner and requested to invest a sum of Rs.15,00,000/- and the *de-facto* complainant has also paid the said sum on various dates. But, the petitioners gave a receipt only for Rs.12,00,000/-. Thereafter, the *de-facto* complainant came to know that they are not doing any business in the said place.

4. The case of the petitioners is that as per the Partnership Agreement, the *de-facto* complainant did not invest Rs.15,00,000/- and he has invested only Rs.12,00,000/-. Due to lack of working capacity, the Industry was not started and the funds of the petitioners also remained waste in the form of machine and other raw materials. The *de-facto* complainant demanded the invested amount and threatened the petitioners to execute a sale deed of house stands in the name of their mother which is worth about Rs.50,00,000/-.

5. 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.



6. The learned counsel for the Intervenor submitted that the petitioners demanded and received a sum of Rs.15,00,000/- from the de-facto complainant and gave a receipt only for Rs.12,00,000/- and they do not have any business as per the agreement. When the de-facto complainant questioned the same, the petitioners gave a cheque in favour of the de-facto complainant. The said cheque was returned as 'payment stopped'. Since the same was questioned by the de-facto complainant, the petitioners threatened him with dire consequences and did not return the money.

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

8. Considering the facts and circumstances of the case and also the fact that the de-facto complainant is one of the partners in Bima Brick Industry as per the Partnership Agreement, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. 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.VI, Madurai, 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 report before the respondent police once in a week, i.e., on every Monday at 10.30 a.m., until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

10. 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/-
19/11/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.VI, MADURAI
2.DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
3.THE INSPECTOR OF POLICE, ANNA NAGAR POLICE STATION
MADURAI DISTRICT
4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
+One cc to M/S.S.THAMIZHARASAN, Advocate, SR.No.66607
RL/6C/DP/JGB/23/11/2015

ORDER
IN
CRL OP(MD) No.16732 of 2015
Date :19/11/2015