



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

Tuesday, the Thirteenth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) Nos.171 and 210 of 2015

WEB COPY

S.THIRAVIAM ... PETITIONER / ACCUSED NO.2 in Crl.O.P NO.171/2015

JOHN AMALRAJ ... PETITIONER / ACCUSED NO.1 in Crl.O.P NO.210/2015

Vs

THE STATE REP.BYS

1.THE INSPECTOR OF POLICE

V-2, BAZAAR POLICE STATION,

VIRUDHUNAGAR. CR.NO.10/2015.

... RESPONDENT / COMPLAINANT in Crl.O.P NO.171/2015

2.THE INSPECTOR OF POLICE

VIRUDHUNAGAR BAZAAR POLICE STATION,

VIRUDHUNAGAR. CR.NO.10/2015.

... RESPONDENT / COMPLAINANT in Crl.O.P NO.210/2015

For Petitioner : M/S.S.N.NATESH RAAJA Advocate

in Crl.O.P NO.171/2015

For Petitioner : M/S.S.DURAIRAJ, Advocate

in Crl.O.P NO.210/2015

For Respondent : MR.A.P.BALASUBRAMANIAN Govt. Advocate (Crl. Side)

In both the cases.

For Intervener :MR.ABDUL RAHMAN, Advocate, for both cases.

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

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 468, 419, 420 r/w 120(b) IPC in Crime No.10 of 2015, seek anticipatory bail.

2.Heard the learned counsel for the petitioners, Mr.Abdul Rahman, learned counsel for the intervenor and the learned Government Advocate (criminal side) appearing for the respondents.

3.The case of the prosecution is that the defacto complainant had borrowed money from one John Amalraj (A1) and had given some blank cheques to A1. While so, it is alleged by the defacto complainant that Thiraviam (A2) is a close friend of John Amalraj and that John Amalraj had handed over those cheques to Thiraviam, based on which Thiraviam has commenced prosecution against the defacto complainant under Section 138 NI Act.



4.The FIR in this case was registered pursuant to the orders of the Magistrate under Section 156(3) Cr.P.C. It is seen that Thiraviam has launched a prosecution under Section 138 of the NI Act against the defacto complainant after issuing statutory notice. As a counter-blast, this allegation is being made by the defacto complainant against John Amalraj and Thiravium.

5.Taking into consideration the totality of the circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate No.I, Virudhunagar, on condition that each petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall appear before the respondent Police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
13/01/2015

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.I,VIRUDHUNAGAR.
- 2.DO THRO THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3.THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4.THE INSPECTOR OF POLICE
V-2, BAZAAR POLICE STATION, VIRUDHUNAGAR.
- 5.THE INSPECTOR OF POLICE
VIRUDHUNAGAR BAZAAR POLICE STATION, VIRUDHUNAGAR.
- +1. CC to M/S.S.N.NATESH RAAJA Advocate SR.No.1880
- +1cc to MR.S.DURAIRAJ, ADVOCATE SR NO.1858
- +1CC TO MR.ABDUL RAHMAN,ADVOCATE SR NO.1920

ORDER
IN
CRL OP(MD) Nos.171 and 210 of 2015
Date :13/01/2015