



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

Tuesday, the Thirteenth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.17107 of 2015

1 C.RAJAMMAL
2 A.RAMESH BABU

... PETITIONERS / ACCUSED 3 & 4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT,
CRIME NO. 28/2015

... RESPONDENT / COMPLAINANT

P.VALLAISAMY

... INTERVENE PETITIONER/DE-FACTO
COMPLAINANT

For Petitioner : M/S R.MANIMARAN Advocate

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

For Intervenor : Mr.M.R. Sreenivasan, Advocate.

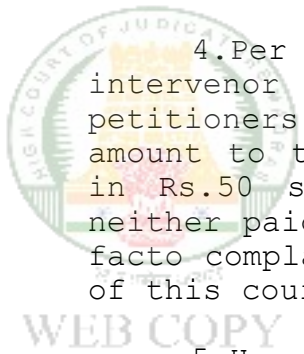
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A3 and A4 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 406 and 420 of IPC, in Crime No.28 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant that he paid Rs.9 Lakhs to A1 and A2 on their assurance of getting Government job for his son-in-law and when they were not able to arrange for employment, the de-facto complainant has approached A3 and A4, who are mother and brother of A1 and A2 and on 27.03.2015, A3 has agreed to pay the entire amount on or before 27.04.2015, but she was not paid that amount and thereby cheated the de-facto complainant.

3.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. The learned counsel further submitted that admittedly, a false representation was made by A1 and A2 and the entire amount was received by them and the petitioners are mother and brother of A1 and A2, they have been falsely implicated in this case. It is further contended that the prime accused A1 was arrested and released on bail by the learned Judicial Magistrate No.II, Dindigul in Cr.M.P.No.5774 of 2015.



4.Per contra, Mr. M.R.Sreenivasan, learned counsel for the intervenor vehemently opposed granting of anticipatory bail to the petitioners contending that A3 and A4 have agreed to pay the entire amount to the de-facto complainant, which was also reduced into writing in Rs.50 stamp papers, but subsequently, as per the agreement, they neither paid the amount nor sold the property and thereby cheated the de-facto complainant and therefore, they are not entitled for any indulgence of this court.

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 petitioners with certain conditions.

7.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.II, Dindigul and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m until further orders. 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/-
13/10/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.II,DINDIGUL

2 DO THRO THE CHEIF JUDICIAL MAGISTRATE,DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, DINDIGUL DISTRICT,

4 THE ADDITIONAL PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S R.MANIMARAN Advocate SR.No.61079.

ORDER
IN
CRL OP(MD) No.17107 of 2015
Date :13/10/2015

AM/16.10.2015/NGM.SS/SAR-I/2P/6C