



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

Tuesday, the Fifteenth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.17193 of 2015

B. GANESHWARI ... PETITIONER/SOLE ACCUSED

Vs

STATE REP BY THE INSPECTOR OF POLICE
AUSTIN PATTI POLICE STATION,
MADURAI.

(CRIME NO. 327 OF 2015) ... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.GURURAJ Advocate

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

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

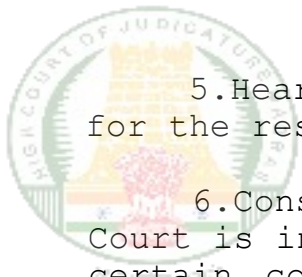
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Section 420 IPC in Crime No.327 of 2015 on the file of the respondent Police and hence, seeks anticipatory bail.

2.According to the prosecution, the petitioner / accused had borrowed Rs.1,50,000/- from the de facto complainant and has issued a cheque drawn on ICICI Bank, Madurai Branch dated 10.07.2015 as security and the cheque was dishonoured due to insufficient fund, thereby cheated the de facto complainant.

3.The learned counsel for the petitioner submitted that the transaction between the petitioner / accused and the de facto complainant is purely civil in nature and the de facto complainant can very file a private complaint under Section 138 to prosecute the petitioner / accused and instead this police complaint has been give with an ulterior motive.

4.It is further submitted by the learned counsel for the petitioner that the petitioner had already lodged a complaint against 17 persons on 09.05.2015, alleging that they are collecting exorbitant interest and after lodging the same, the present case has been registered against the petitioner.



5. Heard the learned Government Advocate (Crl.side) appearing for the respondent Police.

6. Considering the facts and circumstances of the case, 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, Thirumangalam, Madurai District, 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 am until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. 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/-
15/09/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE
AUSTIN PATTI POLICE STATION,
MADURAI.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17193 of 2015
Date :15/09/2015

AA/22.09.2015/2p-5c