



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

Wednesday, the Second day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.17529 of 2015

KALAISELVAN

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
S.S.KOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO. 56/2015.

... RESPONDENT/COMPLAINANT/

For Petitioner : M/S M.RAVI Advocate

For Respondent : MR.K.ANBARASAN, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

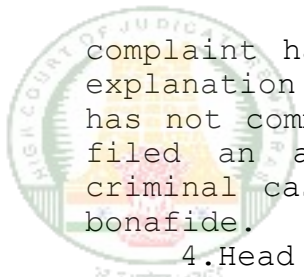
The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC, in Crime No.56 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on promising to get job in abroad, the petitioner received a sum of Rs.3,60,000/- from the defacto complainant and two others on 15.03.2009 and the defacto complainant and others handed over the original passport and other documents. The petitioner did not take any steps to send them abroad. The defacto complainant and others approached the petitioners for refund of the money and the petitioner threatened the defacto complainant. Therefore, the case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent person and he has not committed any offence as alleged by the prosecution. The occurrence said to have taken place in the year 2009, but complaint given only on 06.04.2015. The defacto complainant had approached the petitioner mainly for the reason that he is known to the Mansoor Ali and the transaction entered into only between the defacto complainant and the said Mansoor Ali.

4.This Court by the order dated 26.10.2015 made in Crl.O.P.(MD) No.17529 of 2015 filed by the petitioner passed the following order.

"3.The learned counsel for the petitioner submitted that the occurrence is said to have taken place in the year 2009, but, the



complaint has been given after six year I.e. On 06.04.2015, without any explanation for the delay and that the petitioner is an innocent and he has not committed any offence as alleged by the accused. Further, he has filed an affidavit stating that without prejudice to his right in criminal case he is ready to deposit a sum of Rs.1,00,000/- to show his bonafide.

4.Head the learned Government Advocate (Crl.side).

5.Considering the facts and circumstances of the case, this Court in inclined to grant interim anticipatory bail to the petitioner till 30.11.2015, with certain conditions:-

Accordingly, the petitioner is ordered to be released on interim anticipatory bail in the event of arrest or on his appearance before the learned Judicial Magistrate-I, Thirupathur 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 deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.56 of 2015, within a period of four weeks from the date of receipt of a copy of this order.

6.Post on 30.11.2015, for reporting compliance."

5.Today, when the matter was taken up the learned Government Advocate (Crl.side) submitted that the petitioner did not comply the order passed by this Court.

6.Considering the facts and circumstances of the case and also considering the fact that this Court granted interim anticipatory bail to the petitioner on 26.10.2015 on condition that the petitioner should deposit a sum of Rs.1,00,000/- to the credit of Cr.No.56 of 2015, within a period of four weeks from the date of receipt of a copy of the order, but till today, the petitioner has not complied with the order passed by this Court, I am not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-
02/12/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE-I, THIRUPATHUR
- 2 DO THROUGH THE CHEIF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, S.S.KOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

am
CSL/GSV-AN/07.12.2015/2p/5c