



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

Thursday, the Twenty Sixth day of February Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1783 of 2015

1 V.PANEERSELVAM
2 R.MAHADEVAN
3 RUKMANIA

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, MADURAI.
CRIME NO.23 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.MUTHUVIJAYAPANDIAN Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 120(b) and 294(b) IPC in Crime No.23 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. Initially, this anticipatory bail petition was filed by showing the Crime Number as "Not Known of 2015". Hence, this Court granted interim anticipatory bail to these petitioners on 03.02.2015 with a direction to the petitioners to appear before the respondent police every day at 06:30p.m. and co-operate with the investigation and the case was posted on 17.02.2015 for the Police to file a Status Report. On 18.02.2015, it was represented by the learned Government Advocate (Crl.Side) that the petitioners did not comply with the orders of this Court and also did not appear before the respondent police as directed by this Court.

4. Learned Government Advocate (Crl.Side) represented that now a regular case in Crime No.23 of 2015 for offences under Sections 406, 420, 120(b) and 294(b) IPC has been registered against these petitioners. Police have also filed a status report in which they have stated as follows:



"2. It is submitted that based on trust defacto complainant gave Rs.2,35,000/- as cash and 14.1/2 sovereigns of jewels as loan to this petitioners/accused and 3 others to close their liabilities and in course of time this petitioners / accused and other accused refunded only Rs.74,000/- to the defacto complainant, for the balance loan amount and jewels this Petitioners/accused and other accused dragging the defacto complainant for years by giving evasive reasons.

3. It is submitted that later this Petitioners/accused and others colluding and conniving with each other and with their melafide intention cheated the defacto complainant by refusing to refund the balance loan amount of Rs.1,61,000/- and 14.1/2 sovereigns jewels using filthy words. So, based on the complaint given by the defacto complainant, a case was registered on 16.02.2015 at 19.00 hrs this case was investigation by A.Arulkumran Special Sub Inspector of Police the respondent Police of Central Crime Branch, Madurai City against this petitioners/accused and 3 others in Crime No.23/2015 for the offences punishable under Sections 406, 420, 120(b) and 294(b) IPC."

5. On reading of the complaint lodged by the defacto complainant, allegations against V.Paneerselvam / 1st petitioner herein is indeed very serious and hence, this Court is not inclined to grant anticipatory bail to the 1st petitioner. As regards, R.Mahadevan and Rukmania / petitioners 2 and 3 are concerned, there are no serious allegations against them, except a general statement that they were with Paneerselvam during the transactions. The 3rd petitioner is the sister of the 1st petitioner and the 2nd petitioner is the husband of the 3rd petitioner.

6. Taking into consideration the general nature of allegations against the petitioners 2 and 3, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3. Accordingly, the petitioners 2 and 3 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 Judicial Magistrate No.I, Madurai, on condition that each of the 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 2 & 3 shall report before the respondent police as and when required for interrogation.

[b] the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial.



[c] the petitioners 2 & 3 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]**.

7. This petition in respect of the first petitioner is dismissed.

sd/-
26/02/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
 - 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
 - 3 THE INSPECTOR OF POLICE, CITY CRIME BRANCH, MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.MUTHUVIJAYAPANDIAN, Advocate SR.No.9153.

ORDER IN
CRL OP(MD) No.1783 of 2015
Date :26/02/2015

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