



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

Monday, the Twenty First day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.17871 of 2015

1 S. KUMARAVEL

2 K. ALAGUDEVI

... PETITIONERS / ACCUSED A1, A2

Vs

THE INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION,
K.K.NAGAR, MADURAI.
(CRIME NO. 444 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S M.SENDHILKUMAR Advocate

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

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

ORDER : The Court Made the following order :-

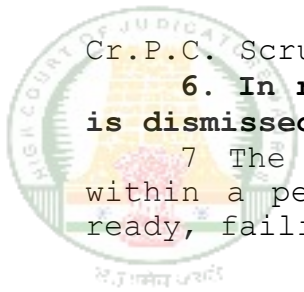
The petitioners who are arrayed as A1 and A2 in Crime no.444 of 2015, apprehend arrest at the hands of the respondent police for an alleged offence punishable under Section 120(b), 294(b), 406 and 506(ii) of IPC on the file of the respondent police, seek anticipatory bail.

2 According to the prosecution that the accused had borrowed a sum of Rs.1,00,000/- from the de facto complainant and the cheque issued for discharge of loan amount were dis-honoured, due to in-sufficient funds and thereby, cheated the de facto complainant.

3 The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the transaction between the accused and the de facto complainant are purely civil in nature and suppressing the same, the criminal complainant was given to the respondent.

4 The learned Government Advocate (Crl.side) submitted that the first accused was already granted anticipatory bail by this Court in Crl.O.P (MD)No.5282 of 2015, however, he has not furnished the surety and therefore, the second petition filed by the first petitioner is not maintainable in law. It is further submitted that the accused have committed grave offence and therefore, the petition has to be dismissed.

5 Considering the submissions of the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the 2nd petitioner. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-VI, 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 condition that the second petitioner shall appear before the respondent Police as and when required for interrogation. The 2nd petitioner shall comply with the condition stipulated under Section 438



Cr.P.C. Scrupulously.

6. In respect of the first petitioner, the Criminal Original Petition is dismissed.

7 The 2nd 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/-
21/09/2015

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/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION,
K.K.NAGAR, MADURAI.

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

+1. CC to M/S M.SENDHILKUMAR Advocate SR.No.56190

ORDER
IN
CRL OP(MD) No.17871 of 2015
Date :21/09/2015

JAM/NGM-SS/SAR-I/25.9.15/2P-4C