



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

Wednesday, the Eighteenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1840 of 2015

1 SIVARAMASUBRAMANIAN
2 KUMARAVEL
3 MUTHAMMAL
4 BACKIYALAKSHMI ... PETITIONERS / ACCUSED RANK NOT KNOWN

P.VIGNESH .. INTERVENER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIM BRANCH,
VIRUDHUNAGAR DISTRICT.
CRIME NO.6 OF 2015

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.N.MOHIDEEN BASHA Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

For Intervener : MR.HAJA MOHIDEEN, ADVOCATE

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

ORDER : The Court Made the following order :-

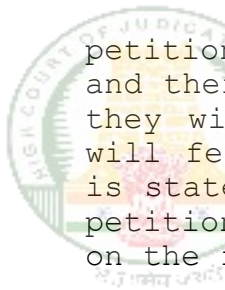
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 406 and 420 IPC in Crime No.6 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State. Learned counsel for the Intervenor strongly objected to the grant of anticipatory bail to these petitioners.

3. This petition was filed by showing the Crime Number as "Not Known" and therefore, this Court granted interim anticipatory bail to these petitioners on 04.02.2015 for two weeks with a direction to appear before the respondent police daily at 10:30 a.m.

4. Learned Government Advocate (Crl.Side) represents that a regular case in Crime No.6 of 2015 has been registered against the petitioners for offences under Sections 120(B), 406 and 420 IPC.

5. According to the defacto complainant, he is in the business of <https://hcservicescourts.gov.in/hcservices/> marketing bandages and the petitioners belong to the adjacent village and they are known to him well and that they are in Milk business. According to the defacto complainant, at the request of the



petitioners, he gave them a loan of Rs.6,50,000/- sometime in March, 2013 and thereafter, when he asked them to return the loan, they told him that they will help him to do business in which any money that is invested will fetch double the amount as profit. Believing the representation, it is stated by the defacto complainant that he has been giving money to the petitioners over a period of time totally to the tune of Rs.29,50,000/- on the fond hope that by an act of miracle, this amount would get doubled.

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6. On reading of the complaint given by the defacto complainant, it reads like a fairy tale. Even according to the defacto complainant, these petitioners were not able to return the initial loan of Rs.6,50,000/-, but strangely he has been giving them monies from time to time on the belief that they will give him double the amount. The defacto complainant has not even given the dates on which he has allegedly paid the amount to the petitioners. The climax of the episode is said to have taken place on 12.11.2014, when these petitioners gave a box to the defacto complainant saying that it contains huge sums of amount and that he took the box to his house and opened the same and found that it contained only waste papers. Had the defacto complainant lodged the present complaint immediately, then there could be a ring of truth in his assertion, whereas the present complaint has been lodged on 12.01.2015 and even at that time, the said box stuffed with waste papers was not even shown to the Police.

7. Under such circumstances, this Court is of the view that this is a fit case to grant anticipatory bail to this petitioners. Accordingly, the petitioners 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.II, Virudhunagar, 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 shall report before the respondent police as and when required for interrogation;

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

[c] the petitioners 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].

sd/-
18/03/2015

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TO

1. THE JUDICIAL MAGISTRATE NO. II, VIRUDHUNAGAR.

2. DO THRO THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

4. THE INSPECTOR OF POLICE
DISTRICT CRIM BRANCH, VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.N. MOHIDEEN BASHA Advocate SR.No.13013

+1cc to MR. HAJA MOHIDEEN, ADVOCATE IN SR NO. 13003

ORDER

IN

CRL OP(MD) No.1840 of 2015

Date :18/03/2015

RG.19.03.2015 3P.7C.