



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

Wednesday, the Fourth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1863 of 2015

WEB COPY

POUNRAJ

... PETITIONER/ACCUSED NO.5

Vs

THE STATE REP BY

THE INSPECTOR OF POLICE

BAZAAR POLICE STATION,

VIRUDHUNAGAR, CRIME NO.49/2015

... RESPONDENT/COMPLAINANT

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

For Respondent : Mr.A.P.BALASUBRAMANI,

Govt. Advocate (Crl. Side)

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

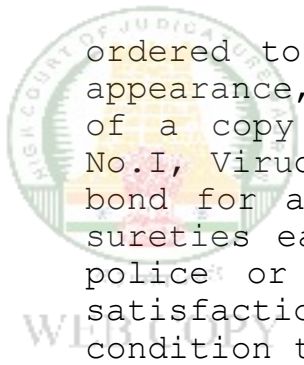
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 406 IPC in Crime No.49 of 2015 on the file of the respondent police, seeks anticipatory bail.

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

3. The case of the prosecution is that one Kanagavel and his son were importing dhall from various countries and were selling to various traders in the State. Even according to the defacto complainant, he was having dealings with the said Kanagavel for over two years. While so, it is alleged by the defacto complainant that he had paid Rs.36,00,000/- to the said Kanagavel for importing dhall. Dhall was imported by Kanagavel for defacto complainant. Thereafter, Kanagavel requested the defacto complainant to sell the Dhall to his grand children. At the instance of Kanagavel, the defacto complainant delivered the imported dhall valued at Rs.36 lakhs to the grand children of Kanagavel, but they have not made payment. The cheque issued were also dishonoured.

4. On a complete reading of the complaint, transaction appears to be civil in nature. This Court earlier granted anticipatory bail to one of the co-accused in Crl.O.P.(MD)No.23738 of 2014 on 13.12.2014. As regards this petitioner Pounraj is concerned, he merely acted as a broker between the defacto complainant and Kanagavel. Beyond that, there is no serious allegation against this petitioner. Under such circumstances, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is



ordered to be released on bail in the event of arrest or on his 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, Virudhunagar, on condition that 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 petitioner shall report before the respondent police daily at 10:30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

04/02/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, NO.I, VIRUDHUNAGAR

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTTUR

3 THE INSPECTOR OF POLICE BAZAAR POLICE STATION, VIRUDHUNAGAR,

4 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.5203

ORDER

IN

CRL OP (MD) No.1863 of 2015

Date : 04/02/2015