



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

Wednesday, the Eighteenth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.19233 of 2014

1 M. UMA SHANKAR

2 M.S. MATHALAL

... PETITIONERS/ ACCUSED 1 & 2

Vs

THE STATE REP. BY THE SUB INSPECTOR OF POLICE
CENTRAL CRIME BRANCH, MADURAI,
CR.NO.23 OF 2014

... RESPONDENT/ DE-JURE COMPLAINANT

For Petitioner : M/S.M.SENDHILKUMAR Advocate

For Respondent : M/S.C.RAMESH Additional Public Prosecutor

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 420, 342 and 506 (i) of Indian Penal Code in Crime No.23 of 2014 on the file of the respondent police, seek anticipatory bail.

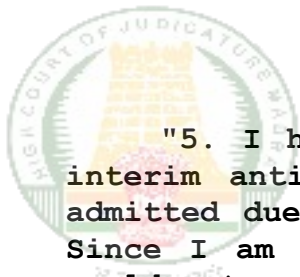
2.Heard both sides.

3. This case has been registered, pursuant to the directions issued under Section 156(3) of Cr.P.C., by the learned Judicial Magistrate No.1, Madurai. It is the case of the prosecution that the *defacto* complainant was a partner with the petitioners in a concern namely M/s.S.M.Corporation and the *defacto* complainant has invested money in it. It is represented by the *defacto* complainant that the petitioners have to pay a sum of Rs.16,50,000/-. According to the first petitioner, he is due only for a sum of Rs.5,00,000/-, which he is always ready and willing to pay to the *defacto* complainant.

4. This Court granted interim anticipatory bail to the petitioners on 13.01.2015, based on the undertaking given by the first petitioner that he will pay a sum of Rs.5,00,000/- within a period of three weeks. The matter was adjourned to 03.02.2015. Thereafter, at the request of the learned counsel for the petitioners, the interim anticipatory bail was extended till today.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Today, the first petitioner has filed an undertaking affidavit, in which, in paragraph No.5, he has stated as follows:



"5. I humbly submit that this Honourable Court was pleased to issue interim anticipatory bail dated 08.01.2015 with a condition to pay the admitted due Rs.5,00,000/- to the de-facto complainant before 17.02.2015. Since I am living in my worst days and leading worst state of life, I could not comply with that order. Recently, I also underwent heart surgery in Meenakshi Mission Hospital, Madurai. Still I expect my outstanding funds from various sources. Hence I pray 2 more months time to pay Rs.5,00,000/- to comply with the interim order of this Honourable Court. I undertake to pay the said amount within two months without fail."

6. It is seen that the second petitioner herein is the Yoga Master and he has nothing to do with the case.

7. This Court went through the complaint and finds that the allegations against the second petitioner/A-2 are not very serious. Hence, I am inclined to grant anticipatory bail to him.

8. As regards the first petitioner/A-1, in view of the undertaking given by him, I am inclined to grant anticipatory bail to him also, subject to certain conditions.

9. 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.I, Madurai District, on condition that the petitioners shall execute a separate 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 first petitioner/A-1 alone shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) before the learned Judicial Magistrate No.1, Madurai District, within a period of two months from the date of receipt of a copy of this order, without prejudice to his defence in the criminal case and on such deposit, the learned Magistrate shall issue notice to the defacto complainant and refund the same to the defacto complainant.

[b] the petitioners/A-1 and A-2 shall report before the respondent police as and when required for interrogation.

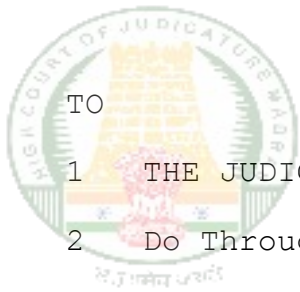
[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[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/-
18/02/2015

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2 Do Through THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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

4 THE SUB INSPECTOR OF POLICE, CENTRAL CRIME BRANCH, MADURAI.

+1. CC to M/S.V.VINAYAGAMOORTHY, Advocate SR.No.7551

TS/24.02.2015/3P-6C

ORDER

IN

CRL OP(MD) No.19233 of 2014

Date :18/02/2015