



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

Thursday, the Fifth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1939 of 2015

BASHA

... PETITIONER/ ACCUSED No.2

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
JAIHINDPURAM POLICE STATION, MADURAI,
MADURAI DISTRICT. CR.NO.148 OF 2014 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.MOHAMMED SALEEM Advocate

For Respondent : Mr.A.P.Balasurbramani Govt. Advocate (Crl. Side)

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

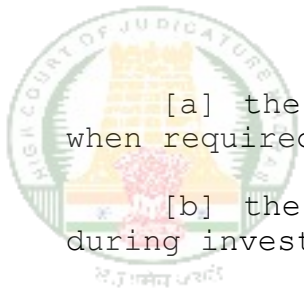
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 IPC in Crime No.148 of 2014 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. This case has been registered pursuant to the direction issued under Section 156(3) Cr.P.C. by the learned Judicial Magistrate No.IV, Madurai. It is the case of the defacto complainant that one Sobha (A1) and this petitioner, who is arrayed as A2 came to the house of the defacto complainant on 10.11.2012 and had borrowed Rs.8 lakhs from the defacto complainant after executing a bond in Rs.100 stamp paper. Thereafter, they were not making repayment.

4. It is seen that the transaction appears to be civil in nature and further Shoba has also pledged her jewellery and returned substantial amount to the defacto complainant. 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 IV, Madurai, 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 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/-
05/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, NO.IV, MADURAI.
- 2 -Do- Through THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE
JAIHINDPURAM POLICE STATION, MADURAI, MADURAI DISTRICT.

+1cc to M/S.M.MOHAMMED SALEEM Advocate in SR.No. 5648

TS/11.02.2015/2P-6C

ORDER
IN
CRL OP(MD) No.1939 of 2015
Date :05/02/2015