



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.1943 of 2015

A.SAHAYARAJ

... PETITIONER(/ ACCUSED

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
TIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.54 OF 2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.J.VIJAYARAJA Advocate

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

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

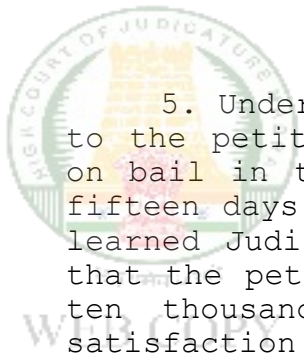
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 406, 420 and 506(ii) IPC in Crime No.54 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 defacto complainant is that one Haja Mohideen and his wife Surya Begum had promised that they will sell their land for Rs.45,00,000/- and received Rs.26,00,000/- from the defacto complainant on 17.01.2014. In this deal, this petitioner stood as a broker.

4. Learned counsel for the petitioner brings to my notice from the typeset of papers and submits that on 22.06.2014, the same defacto complainant had given a complaint before C4, Thilagar Thidal Police Station and thereafter, filed a private complaint in Crl.M.P.No.3449 of 2014 before the learned Judicial Magistrate No.II, Madurai and on whose direction, Police conducted enquiry. When this petitioner approached this Court in Crl.O.P.(MD) No.20026 of 2014 for anticipatory bail, a representation was made on behalf of the respondent police that investigation was conducted and the enquiry was closed on 24.08.2014 and a copy of the closure report was also filed in this Court. Again, the defacto complainant has lodged this complaint before Tirumangalam Town Police Station, making some allegations.



5. 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, Tirumangalam, Madurai District, 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/-
05/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, TIRUMANAGALAM.
- 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
TIRUMANGALAM TOWN POLICE STATION, MADURAI DISTRICT.

+1. CC to M/S.J.VIJAYARAJA Advocate SR.No.5629.

TS/10.02.2015/2P-6C

ORDER
IN
CRL OP(MD) No.1943 of 2015
Date :05/02/2015