



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

Friday, the Sixteenth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.19760 of 2015

1 MUBARAK
2 DINESHKUMAR

... PETITIONERS / ACCUSED A1 & A2
Vs

State rep.by
THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
(CR.NO. 439 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S A.K.MANICKAM Advocate

For Respondent : Mrs.S.Prabha, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

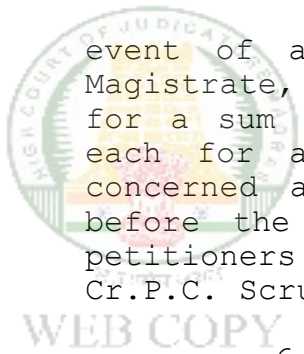
The petitioners apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 420, 294 (b), 506(ii) and 380 (NP) IPC in Crime No.439 of 2015 and hence, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is presently running a furniture show room and earlier, another furniture show room was run and in that, the accused and the daughter of the defacto complainant are partners and since the petitioners did not maintain the accounts properly, a case in Crime No. 77 of 2015 has been registered against them. Subsequently, the petitioners assured to give the share and settle the account to the daughter of the defacto complainant, while so when the defacto complainant was at Bangalore, the petitioners have broke open their shop and looted the goods worth of Rs.14 lakhs.

3. The learned counsel for the petitioners submitted that earlier the defacto complainant lodged another complaint with the similar allegations and they were also granted anticipatory bail by this Court in Crl.O.P.No.10304 of 2015 and the present complaint is given with ulterior motive.

4. The Government Advocate (Crl. Side) appearing for the State submitted opposed this petition stating that the accused and the defacto complainant are close relatives and the accused have swindled more than Rs.48 lakhs in the business run by them and also committed theft of the property for the value of Rs.14 lakhs.

<https://hcservices.ecourts.gov.in/hcservices/> 5. However, considering the facts and circumstances of the case, I am inclined to enlarge the petitioners on anticipatory bail. Accordingly, the petitioners are ordered to be released on bail in the



event of arrest or on their appearance before the learned Judicial Magistrate, Uthamapalayam, and on each of them executing 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 to the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police at 10.00 a.m until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

6. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready failing which, the petition for anticipatory bail stands dismissed.

sd/-

16/10/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT
- 3 THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S A.K.MANICKAM Advocate SR.No.61772

Sm:AMF-SAR II:27.10.2015:2P/6C

ORDER
IN
CRL OP(MD) No.19760 of 2015
Date :16/10/2015