



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

Wednesday, the Twenty Fifth day of February Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP (MD) No.19744 of 2014

1 S.K.RENGASAMY
2 R.MATHIVANAN
3 R.VIJAYAKUMAR
4 KAVITHAKALA
5 VIDHYAPRIYA
6 R.JEYABHARATHI
7 THIRUPATHI CHETTIAR
8 T.VEERA RAJ
9 T.RAMAMOORTHY
10 K.ANNAMALAI CHETTIAR
11 S.SIVANANTHAM
12 P.RATHINAM

... PETITIONERS/ACCUSED 1 TO 12

Vs

THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY CITY,
TRICHY CR.NO. 28/2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.VENKATASUBRMANIAN Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

For Intervenor : MR.A.SARAVANAN, Advocate

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

ORDER : The Court Made the following order :-

On 28.01.2015, this Court passed the following order:

"Heard both sides.

2. It is seen that the defacto complainant had pledged his properties and had raised a loan with Cholamandalam Investment and Finance Company and Kodak Mahindra Bank. The petitioners 1 to 6 seems to have represented that they will get him a loan at lower interest rate and on the strength of their representation, the defacto complainant discharged the loan with the said Companies and handed over the documents to the petitioners 1 to 6 herein. The petitioners 1 to 6 herein deposited the properties of the defacto complainant with Reliance Capital Ltd., Coimbatore and informed the defacto complainant that Rs.2,46,37,760/- has been sanctioned as mortgage loan to him, whereas they had actually obtained a sum of Rs.3,22,50,000/- and the excess sum of Rs.78,62,240/- has been taken away by these petitioners. It is seen that the defacto complainant had given a letter dated 13.04.2014 wherein he has stated that he has received a sum of Rs.10 Lakhs from the petitioners and that he is willing to receive the balance of Rs.35Lakhs for full and final settlement.



2. The learned Counsel for the petitioners submitted that the petitioners will pay a sum of Rs.35Lakhs to the defacto complainant. The petitioner shall file an undertaking affidavit. Petitioner shall file an undertaking affidavit.

3. Call on 28.01.2015 "for orders".

2. Today, Mr.R.Mathivanan (A2/second petitioner) has filed an undertaking affidavit, wherein in paragraph-4, it is stated as follows:

"4. I humbly submit that as per the direction of this Honourable Court I am filing this undertaking affidavit and I ready to settle the disputed amount of Rs.35,00,000/- to the intervenor/defacto complainant M.Ganesan."

3. In view of this undertaking affidavit, interim anticipatory bail is granted for a period of four weeks. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Trichy, on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety 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,

the petitioners shall appear before the respondent police as and when required for interrogation.

4. In the mean time, the petitioners shall pay the aforesaid sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs only) under due acknowledgement and file proof of compliance.

5. Post on 25.02.2015 for reporting compliance."

2. Today, the learned counsel for the petitioners has filed a memo enclosing a receipt for having paid a sum of Rs.35,00,000/- as per the undertaking given by the petitioners. The learned counsel for the de-facto complainant also accepts a sum of Rs.35,00,000/- has been paid to the de-facto complainant.

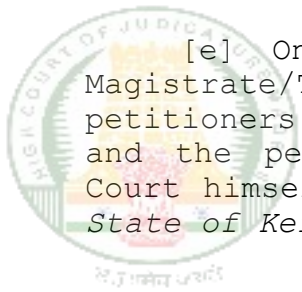
3. Under such circumstances, this Court is inclined to grant anticipatory bail to the petitioners, but with conditions. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Trichy, on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 petitioners shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall give their thumb impression, specimen signatures and handwritings.

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

[d] the petitioners shall not abscond either during investigation or trial.



[e] 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].

WEB COPY

sd/-
25/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.II, TRICHY.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
3. THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY CITY, TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.VENKATASUBRMANIAN Advocate SR.No. 9362
+1cc to MR.A.SARAVANAN, ADVOCATE IN SR : 9217

SR : 02.03.2015 : 3P/7C

ORDER
IN
CRL OP(MD) No.19744 of 2014
Date :25/02/2015