



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

Thursday, the Twelfth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2106 of 2015

WEB COPY

1 MANIKANDAMOORTHY
2 HARIHARAN

... PETITIONERS/ACCUSED

Vs

STATE REP BY THE INSPECTOR OF POLICE
OTHAKKADAI POLICE STATION, MADURAI,
CRIME NO.54/2015 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.AN. RAMANATHAN Advocate
For Respondent : MR.R.RAMACHANDRAN Govt. Advocate (Crl. Side)

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 offence punishable under Sections 406, 420 and 506(ii) IPC in Crime No.54 of 2015 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent/Police.

3.The respondent/Mr.S.Ahmed Abdul Khadar, Inspector of Police, Othakkadai Police Station, Madurai, has filed a status report dated 12.02.2015.

4.In this case, the complaint was lodged on 30.01.2015. The case of the de facto complainant is that he saw some Advertisement in Dinamalar and Thina Thanthi, in which, it was stated that the flats allotted opposite to High Court Complex were for sale and pursuant to which, the de facto complainant had paid Rs.10,000/- on 12.09.2012 Rs.90,000/- on 13.09.2012 and Rs.40,000/- on 26.10.2014, totalling a sum of Rs.1,50,000/-.

5.It is alleged by the de facto complainant that there was no flat as given in the Advertisement and that he has been cheated by the petitioners. The Inspector of Police in the status report dated 12.02.2015 at paragraph 5 and 6 has stated as follows:-

"5.It is submitted that even though the alleged occurrence said to have taken place during 2012, the complainant himself was not in a position to give necessary complaint in time and he only gave the said complaint on 30.01.2015. On receipt of the same after preliminary



enquiry the same was registered in Crime No.54/2015 for the offences under Sections 406, 420 and 506(ii) of I.P.C.

6.I further submit that after the above case was registered, we have requested the complainant to produce the documents in support of his complaint but till date he did not submit such documents till date. Once any documents supporting the complaint against the accused are produced by the complainant, immediate enquiry will be conducted and further action will be taken against the accused."

6.This Court places on record its profound appreciation for the fair manner in which, Mr.S.Ahmed Abdul Khadar, Inspector of Police, Othakkadai Police Station, Madurai, has been handling the investigation and for placing the facts before this Court without exaggeration.

7.Since the de facto complainant is not able to produce any iota of evidence in support of the accusations, this Court is inclined to grant anticipatory bail to the petitioners. 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, Melur, on condition that petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, 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 petitioners 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]**.

[e] The Inspector of Police concerned is directed to send a compliance report to the Office of the learned Government Advocate (Criminal side), as to whether the petitioners are complying with the order or not.

sd/-

12/02/2015

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE, MELUR
2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI
3 THE INSPECTOR OF POLICE, OTHAKKADAI POLICE STATION, MADURAI
4 THE SUPERINTENDENT OF POLICE, MADURAI DISTRICT
5 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.2106 of 2015
Date :12/02/2015

AA/17.02.2015/3p- 6c/