



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

Thursday, the Seventeenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.21207 of 2014

1 JAHIR HUSSAIN
2 SARA BEEVI

... PETITIONERS/ACCUSED No.1&2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SIVAGANGAI,
SIVAGANGAI DISTRICT.
CRIME NO.54 OF 2014

... RESPONDENT/COMPLAINANT

V.A.MOHAMED KUTTY

... PETITIONER/INTERVENOR

FOR PETITIONER : MR.H.MOHAMED IMRAN, ADVOCATE FOR
M/S.AJMAL ASSOCIATES

FOR RESPONDENT : MR.K.ANBARASAN, GOVERNMENT ADVOCATE (CRL. SIDE)

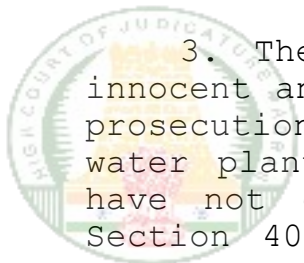
FOR INTERVENOR : M/S.J.JOHN, ADVOCATE

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 & 2, in Crime No.54 of 2014 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 406, 120(b) and 506(i) of the Indian Penal Code and hence, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a friend of Mohamed Iqbal and Ismail. The defacto complainant introduced the first petitioner to the above said persons stating that he is having rich experience in the water plant business. Believing the word, the defacto complainant and his partners, who are working in Bahrain, have deposited a sum of Rs.56,55,000/- on various dates in the name of Pramalai Rowther in Canara Bank Account No.0903103050577, as per the instruction of the first petitioner. As promised by the first petitioner, he did not establish the water plant business. On verification, the defacto complainant came to know that Pramalai Rowther is the father of the first petitioner and he died 10 years back. The first petitioner made the defacto complainant and his friends to deposit huge amount and thereby cheated them.



3. The case of the petitioners is that the petitioners are innocent and they have not committed any offence, as alleged by the prosecution. The petitioners and his friends proposed to start a water plant business in the partnership basis and the petitioners have not cheated or misappropriated the firm. The charge under Section 406 of the Indian Penal Code cannot be made against the partners. It is only a civil dispute. The defacto complainant and his henchman broke open the office of the petitioners and took all the documents of the firm. The first petitioner gave a complaint against the defacto complainant and the receipt was also issued in C.S.R.No.149 of 2014.

4. Heard the learned Government Advocate (Criminal Side).

5. From the materials available on record, it is seen that on the instruction of the first petitioner, the defacto complainant and others have deposited a sum of Rs.56,55,000/- in the account of Prannalai Rowther, who died 10 years back and the first petitioner operated the account of the dead person, in view of the serious allegation, this Court is not inclined to grant anticipatory bail to the first petitioner.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the second petitioner, with certain conditions. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.II, Sivaganga and on executing 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 learned Magistrate concerned and on further condition that the second petitioner shall appear before the respondent police as and when required for interrogation. The second petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The second petitioner 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.

8. As far as the first petitioner is concerned, this petition is dismissed.

sd/-
17/12/2015

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI,
SIVAGANGAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO MR.J.JOHN, ADVOCATE IN SR NO. 72550

ORDER

IN

CRL OP(MD) No.21207 of 2014

Date :17/12/2015

PS

TE/SKS-RR/SAR-I : 21/12/2015 : 3P/6C