



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

Monday, the Fourteenth day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.23077 of 2015

R. RAJASEKAR

... PETITIONER/ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
KEERAITHURAI POLICE STATION, (CRIME)
MADURAI TOWN,
CRIME NO.671/2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.S.PRAVEENA Advocate

For Respondent : MR.K.ANBARASAN, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC, in Crime No.675 of 2015 on the file of the first respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant approached one Manimala, for arranging loan to purchase machineries in order to develop his business. The de-facto complainant and Manimala obtained quotation from the petitioner. Based on the said quotation, the Bank sanctioned loan and issued a cheque in the name of the petitioner, being the value of the machineries. The petitioner did not supply the machineries and did not return the amount to the Bank or to the de-facto complainant. Hence, the case has been registered for the offences stated above.

3. The case of the petitioner is that the de-facto complainant approached the petitioner for arranging loan to purchase machineries in order to develop his business. The petitioner gave quotation for the machineries. Based on the same, loan was sanctioned to the de-facto complainant and cheque was issued in the name of the petitioner. The de-facto complainant and Manimala requested the petitioner to give the amount as cash instead of machineries. As per their request, after deducting sales tax amount, the petitioner issued two cheques in the name of Manimala and the same have been encashed by the said Manimala.

<https://hcservices.courts.gov.in/hcservices> learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He also filed typed set of papers annexing the



agreement entered into the de-facto complainant and Manimala, wherein it has been stated that the said Manimala agreed to return money to the de-facto complainant.

5. The learned Government Advocate (Crl. side) submitted that investigation is pending in this case.

6. Considering the facts and circumstances of the case and the fact that the amount was paid by the Bank to the petitioner for supply of machineries and instead of supplying the machineries, the petitioner has paid money to Manimala and acted contrarily and cheated the Government to avail subsidy, whereby Manimala agreed to settle the loan account to the Bank, the custodial interrogation of the petitioner is not necessary and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.I, Madurai, and on his 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 petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The 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.

sd/-
14/12/2015

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, KEERATHURAI POLICE STATION,
MADURAI TOWN.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.23077 of 2015
Date :14/12/2015