



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

Wednesday, the Fourth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.23519 of 2014

WEB COPY

1 RAJARAM
2 SUNDHARAMOORTHY
3 P. CHINNAIAH

... PETITIONERS/ACCUSED 1 TO 3

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MADURAI DT,
CRIME NO.461/2014

... RESPONDENT/COMPLAINANT

For Petitioner : MR.AJMAL KHAN, Senior Counsel for
M/S.K.MURUGESAN Advocate

For Respondent : MR.C.RAMESH, Govt. Advocate (Crl. Side)

For Intervener : MR.NEELAMEGAM, Advocate

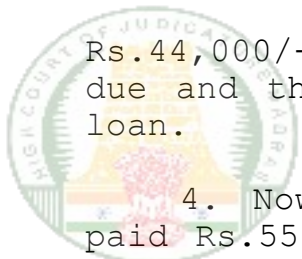
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(i) and 420 IPC in Crime No.461 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard Mr.Ajmal Khan, learned Senior Counsel for Mr.K.Murugesan, learned counsel for the petitioners, the learned counsel for the defacto complainant and the learned Additional Public Prosecutor appearing for the State.

3. It is the case of the defacto complainant that the petitioners are working as officials in the Indian Bank, Karungalakudi Branch, in which the defacto complainant had pledged her jewellery and obtained loan. According to the defacto complainant, she has already paid Rs.78,000/- towards jewel loan, inspite of which, the petitioners are not returning her jewellery. On this representation, this Court passed a detailed order on 13.01.2015, directing the petitioners to furnish the details of the amount that is due from the defacto complainant to the Bank. Pursuant to the orders passed by this Court, the officials of the Indian Bank have sent a letter dated 19.01.2015 in which they have stated that the petitioners have cleared the jewellery loan, but the defacto complainant has received an agricultural loan of



Rs.44,000/- on 28.12.2012, for which a sum of Rs.51,646/- is still due and that they are holding her jewellery as lien for the said loan.

4. Now, it appears that the defacto complainant has already paid Rs.55,000/- towards agriculture loan and the petitioners have credited Rs.51,646/- towards agriculture loan and have also credited the balance amount of Rs.96/- after deducting principal and interest amount into the SB account of the defacto complainant. The petitioners have also sent a letter dated 24.01.2015 to the defacto complainant directing her to come to the Bank and get back her jewels.

5. Learned counsel for the defacto complainant submits that the petitioners have frozen the defacto complainant's SB account and she is not even able to operate the same and withdraw the money. This allegation is refuted by the learned counsel for the petitioners.

6. Under such circumstances, 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 each of the petitioner shall execute 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 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]**.

7. I direct the respondent Police to accompany the defacto complainant to get back her jewels from the Bank within one week from the date of receipt of a copy of this order.

sd/-

04/02/2015

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, MELUR

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE MADURAI DISTRICT

3 THE INSPECTOR OF POLICE

KOTTAMPATTI POLICE STATION, MADURAI DT,

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.MURUGESAN Advocate SR.No.5118

ORDER

IN

CRL OP (MD) No.23519 of 2014

Date :04/02/2015

NA/06/02/2015/P2/6C