



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

Tuesday, the First day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP (MD) No.2695 of 2015

S.BUHARI

... PETITIONER/ACCUSED

Vs.

STATE THROUGH
THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION,
MADURAI, CRIME NO.42/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.M.A.JINNAH, Advocate

For Respondent : MRS.S.PRABHA,
Govt. Advocate (Crl. Side)

For Intervenor : M/S.M.SARAVANAKUMAR, Advocate

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 offence punishable under Sections 364(A), 397 and 506(ii) of I.P.C., in Crime No.42 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. According to the de-facto complainant, that on 13.01.2015 at 5.45 a.m., when he was proceeding to the Mosque for prayer, the accused have kidnapped the de-facto complainant in a car bearing Registration No.TN 18 7420 and took his signature in 100 rupees stamp paper and also in white papers and attacked him with hands.

3. The learned counsel for the petitioner submitted that both the petitioner and the de-facto complainant are doing real estate business and the de-facto complainant used to borrow money from the petitioner. It is further submitted that the de-facto complainant has lodged a complaint against the petitioner on 13.06.2014, stating that he had borrowed Rs.1 crore from the petitioner on 06.03.2013 and he was liable to pay only Rs.1,45,92,000/-, however, he has taken Rs.1,57,00,000/- by misusing the cheque.

4. The learned counsel for the petitioner further submitted that the petitioner has been implicated only on suspicion and the other accused have been granted anticipatory bail. It is further submitted that the de-facto complainant has lodged another false complaint against the petitioner in Crime No.55 of 2015 and the petitioner was granted anticipatory bail by the Principal Sessions Judge, Madurai in Crl.M.P.No.1498 of 2015.



5. The learned counsel for the intervenor vehemently opposed granting of anticipatory bail to the petitioner contending that at the instigation of this petitioner, the de-facto complainant was kidnapped on 13.01.2015 and he was attacked brutally and the accused have also received signatures in so many papers and therefore, he is not entitled for anticipatory bail.

6. The learned Government Advocate (crl.side) filed a counter affidavit and also opposed granting of bail to the petitioner.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate No.II, 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/-
01/09/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.II
MADURAI.

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

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

4 THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION, MADURAI.

+1. CC to M/S.S.M.A.JINNAH Advocate SR.No.51386

Akm/06.09.2015 /2p-6c/

ORDER