



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

Monday, the Ninth day of March Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2997 of 2015

1 KARTHIGAISAMI

2 THANGARANI

3 ARUL JEYAPRAKASH

4 MUKESH

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE REP BY THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, RAMANATHAPURAM IN

CRIME NO.NOT KNOWN OF 2015 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.ANANTHAPADMANABHAN Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.not known of 2015, on the file of the respondent police for offences under Sections 406 and 420 of the Indian Penal Code, the petitioners are now before this Court seeking Anticipatory Bail.

2.Heard the learned counsel for the petitioners.

3.The petition was filed showing the crime number as 'not known' and therefore, this Court granted interim anticipatory bail to the petitioners on 23.02.2015 with a direction to the petitioners 1 and 2 to appear before the respondent police for enquiry.

4.Today, the respondent police is present. The learned Government Advocate, on instructions from the respondent police submits that the petitioners are complying with the order passed by this Court. It is also stated by the learned Government Advocate that a case in Crime Number 14 of 2015 has been registered for offences under Sections 420 and 506(i) IPC, against the petitioners 1 to 3. It is also stated that there is no case against the 4th petitioner.

5. On a reading of the FIR, it appears that the de-facto complainant and the petitioners are relatives and the de-facto



complainant has lent some money to the petitioners, which the petitioners promised to return. According to the de-facto complainant, the petitioners wanted loan to meet the expenses for a house that was being constructed by them. It is further stated in the complaint that the petitioners promised to repay the amount, after the house warming ceremony, but they did not keep up their word. The learned counsel for the petitioners submits that there is a suit pending in O.S.No.64 of 2015 between the petitioners and the de-facto complainant on the file of the District Munsif, Paramakudi and this complaint has been given as a counter blast. Taking into consideration the facts and circumstances of the case, this Court is of the view that it is a fit case to grant anticipatory bail, but with conditions.

4. 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, Paramakudi, on executing a separate 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 1 to 3 shall appear before the respondent police as and when required for interrogation.

[b] the petitioners 1 to 3 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 1 to 3 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 1 to 3 in accordance with law as if the conditions have been imposed and the petitioners 1 to 3 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].

[d] The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate as to whether he is complying with the condition or not.

[e] The petition against the 4th petitioner is closed, as there is no case against him.

sd/-

09/03/2015

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM
- 3 THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, RAMANATHAPURAM.

+1. CC to M/S.N.ANANTHAPADMANABHAN Advocate SR.No.11287

ORDER
IN
CRL OP(MD) No.2997 of 2015
Date :09/03/2015

AA/13.03.2015/3p- 6c/