



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

Tuesday, the Third day of March Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) No.3216 of 2015

1 JOTHI

2 KANDASAMY

3 K. KUMARAVEL @ RAJA

4 K. SELVA GANESH

... PETITIONERS / ACCUSED NO.1 TO 4
Vs

THE INSPECTOR OF POLICE

SOUTH GATE POLICE STATION, MADURAI DIST,

CR.NO.866/2013

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.MOHIDEEN BASHA Advocate

For Respondent : MR.C.RAMESH 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.866 of 2013, on the file of the respondent police for offences under Sections 406, 420, 120(b) of the Indian Penal Code, the petitioners are now before this Court seeking Anticipatory Bail.

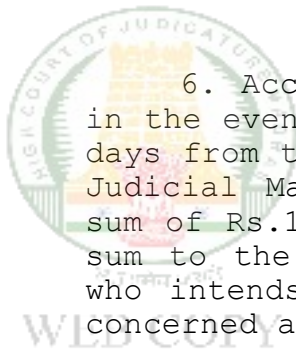
2. In this case, F.I.R has been registered pursuant to the directions of the learned Judicial Magistrate No.IV, Madurai under Section 156(3) of Cr.P.C. It is seen that the case was registered on 26.09.2013.

3. This is the third anticipatory bail application filed by the petitioner. The earlier anticipatory bail applications filed by the petitioners in Crl.O.P(MD)Nos. 17061 of 2013 and 13210 of 2014 were dismissed on 17.03.2014 and 13.08.2014 respectively. Therefore, this Court called upon the police to produce the case records for perusal.

4. On reading of the complaint, it is seen that the complainant is one Jalaja. She has stated in her complaint that the petitioners were her neighbours some time in the year 2010. The petitioners wanted some money from Jalaja, for which, she had given 50 sovereigns of gold to them as loan. It is further stated in the F.I.R that the petitioners have been repeatedly borrowing money from the defacto complainant over a period of time and the defacto complainant has given money to the petitioners despite the fact that the petitioners were not returning the earlier loans. But the defacto complainant has not given the minimum particulars as to the dates or atleast the month during which she handed over her jewels to the petitioners. Even according to the defacto complainant when the petitioners had failed to return the first loan, she continued to give them money and her jewels as loan. What begs the question is, how did the defacto complainant gave more and more money as loan to the petitioners even without obtaining any document from them. It is also seen that the F.I.R was registered in the year 2013 and till date the police have not conducted any further investigation in this case.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Under such circumstances, this Court is of the view that it is a fit case to grant anticipatory bail to the petitioners.



6. 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 No.IV, Madurai, on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety 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 daily at 05.30 p.m., for a period of two weeks and thereafter 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].

[e] The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl. Side), whether these petitioners are complying with the order or not.

sd/-

03/03/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.IV
MADURAI

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

3 THE INSPECTOR OF POLICE
SOUTH GATE POLICE STATION, MADURAI DIST.

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

+1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.10213

Sm:11.03.2015:2P/6C:

ORDER

IN

CRL OP(MD) No.3216 of 2015

Date :03/03/2015