



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

Thursday, the Twenty Sixth day of February Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.3453 of 2015

V.ELANGO VAN

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TUTICORIN DISTRICT.
CR.NO. 1/2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.R.SENTHIL KUMAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 IPC in Crime No.1 of 2015 on the file of the respondent police, seeks anticipatory bail.

2.This case was registered pursuant to direction issued in Cr.M.P.No.6200 of 2014 by the learned Judicial Magistrate NO.1, Tuticorin.

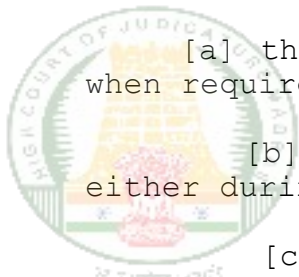
3.The case of the defacto complainant is that the petitioner is his good friend and that he had given Rs.50,00,000/- to the petitioner for safe custody and that the petitioner is not returning the same.

3.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the State.

4.On a careful reading of the complaint, it is seen that the defacto complaint has not even stated as to when and where he gave the sum of Rs.50,00,000/- to the petitioner.

5. The learned counsel for the petitioner submits that a similar complaint was given in the year 2013 by the same defacto complainant before the same police station and the same was closed.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for 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 petitioner shall appear before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl.side) as to whether the petitioner is complying with the order or not.

sd/-
26/02/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
THOOTHUKUDI.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to M.JEGADEESH PANDIAN, ADVOCATE IN SR : 9712

SR : 05.03.2015 : 2P/6C

ORDER
IN
CRL OP(MD) No.3453 of 2015
Date :26/02/2015