



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

Tuesday, the Tenth day of March Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4151 of 2015

MAHESH JHAWAR

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

STATE REP BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DCB, TUTICORIN.

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

For Petitioner : M/S.T.LAJAPATHI ROY 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 :-

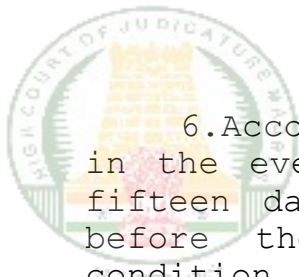
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC in Crime number not known of 2015 on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side).

3.It is seen that the occurrence in this case had taken place between 03.03.2009 and 18.07.2009 and in respect of that, a complaint was lodged, in which a case was registered on 23.01.2012 in Cr.No.3 of 2012 for offence under Section 420 I.P.C. Till 2015, the Police have not conducted any investigation in this case and the matter is still pending.

4.On reading of the complaint, it is seen that the defacto complainant in this case is one Chellapandian, Assistant General Manager of Loyal Textiles Mills in Kovilpatti. The same defacto complainant had earlier lodged two complaints, in which a case in Cr.No.3 of 2010 and 14 of 2010 were registered by the District Crime Branch, Tuticorin, against this petitioner and both the complaints were closed on the ground that the complaint was false. Now, again, in the year 2012, the defacto complainant has lodged this complaint.

5.In such circumstances, this Court is inclined to grant anticipatory bail to the petitioner.



6. 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 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 petitioner shall report 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 Judicial 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 Judicial 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]**.

sd/-
10/03/2015

/ 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 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI
3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, DCB, TUTICORIN.
4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.11603

ORDER
IN
CRL OP(MD) No.4151 of 2015
Date : 10/03/2015