



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

Tuesday, the Tenth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.4317 of 2015

1 PARTHIBAN
2 PRABAKARAN

KEELAVANNIPPATTU,
OKKANAADU KEELAIYUR
POST, ORATHANADU TALUK, THANJAVUR DISTRICT.

... PETITIONERS / ACCUSED 1 & 5

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THANJAVUR.
(CRIME NO.3/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.GOKUL Advocate

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

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

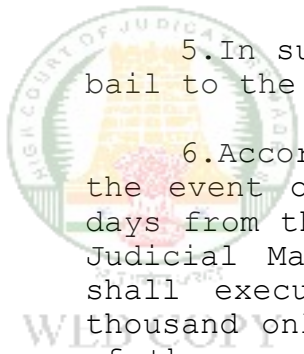
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 of IPC r/w Section 5 of Prize, Chits and Money Circulation Scheme Act, 1978, in Cr.No.3 of 2015 on the file of the respondent police, seek anticipatory bail.

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

3.The defacto complainant claims to be a Social Activist. According to the defacto complainant, the petitioners are running a real estate Office in the name and style of 'ACIR Wealth Developers' in Thanjavur and they promised that they will allot lands to various subscribers. According to the defacto complainant, he paid a sum of Rs.10,000/- to the petitioners and the petitioners said that they will allot a land in Ramanathapuram District. After that, when the defacto complainant went to see the said land, he found that the said land is in a dry zone area.

4.During the course of investigation, the Police had sent several summons to the defacto complainant to appear before them and he has not appeared. The antecedents of the defacto complainant is in doubt. He ~~has not produced~~ any document to show that he had paid a sum of Rs.10,000/- to the petitioners.



5. In such circumstances, this Court is inclined 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.I, Thanjavur, on condition that the petitioners shall execute 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 shall report before the respondent police 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 Judicial 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 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.1
KUMBAKONAM AT THANJAVUR DISTRICT
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THANJAVUR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to MR.K.GOKUL, ADVOCATE IN SR : 11686

Sr:13.03.2015:2P/6C