



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

Monday, the Fourteenth day of December Two Thousand Fifteen

WEB COPY

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.5766 of 2015

B. SURULIRAJ

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP. BY ITS  
THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH, THENI DISTRICT  
(CRIME NO.09 / 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.J.JEYAKUMARAN Advocate

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl. Side)

For Intervenor : Mr.R.MAHESHWARAN, Advocate

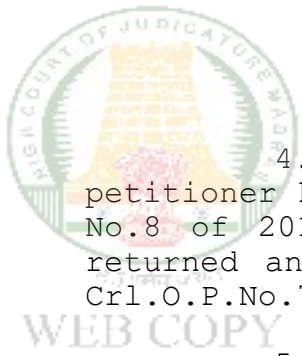
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed sole accused, in Crime No .09 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 IPC and hence, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has borrowed a sum of Rs.1,60,000/- from the defacto complainant. Later, the defacto complainant gave two Demand Drafts for a sum of Rs.9,00,000/- (Rs.2,00,000 + Rs.7,00,000) for getting admission in Medical College for his son. Subsequently, the petitioner did not return the amounts and on the basis of the complaint given by the defacto complainant, the present case has been registered for the aforesaid offences.

3.The case of the petitioner is that the petitioner was originally trying for medical seat for his son and at that time, the defacto complainant and his friend approached the petitioner and canvassed that they have friends in Vinayaga Medical College, Salem and they will arrange for medical seat in Vinayaga Medical College and on believing their words, the petitioner sent a sum of Rs.10,30,000/- to the account of the defacto complainant. Subsequently, he came to know that the amount was not given to Vinayaga Medical College and therefore, he could not get medical seat for his son and the petitioner is an innocent person and he has not committed any offence.



4. The learned counsel for the petitioner submitted that the petitioner has given a complaint against the defacto complainant in Crime No.8 of 2015 stating that the amount given by the petitioner was not returned and in that case, this Court has granted anticipatory bail in CrI.O.P.No.724 of 2015.

5. Considering the facts and circumstances of the case and also considering the fact that in counter case, the accused was granted anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Theni, and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-  
14/12/2015

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH, THENI DISTRICT.
  2. THE ADDL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.J.JEYAKUMARAN Advocate SR.No.71388

ORDER IN  
CRL OP(MD) No.5766 of 2015  
Date :14/12/2015

CM  
SH/AAL-MPA/SAR-II:21.12.2015:2P/4C