



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

Friday, the Twenty Fourth day of April Two Thousand Fifteen

PRESENT

THE HON'BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.6635 of 2015

S.SWAMINATHAN

... PETITIONER/ACCUSED

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL.
(CR.NO.9/2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.I.PAUL NOBLE DEVA KUMAR Advocate

For Respondent : Govt. Advocate (Crl. Side)

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

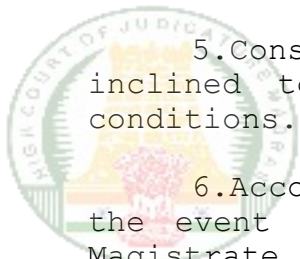
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as an accused apprehends at the hands of the respondent police for the alleged offences punishable under sections 406, 420 and 506(i) of IPC, in Crime No.9 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the husband of the de-facto complainant had obtained loan for a sum of Rs.20,00,000/- from Dr.S.K.Arora of Chennai and after repaying more than Rs.26 Lakhs, the accused have not returned the document and further trying to grab the property of the de-facto complainant and her husband.

3.The learned counsel for the petitioner submitted that the de-facto complainant and her husband were owning lands at Odanchatram and they wanted to avail housing loan from M/s.Aroshree Shelters Private limited, Chennai. Since the property situated at Odanchatram, the said finance company refused to provide loan to them and therefore, the petitioner mortgaged his property with the said finance company and obtained a loan of Rs.20 Lakhs and handed over the same to the husband of the de-facto complainant, but the husband of the de-facto complainant did not repay the amount properly, borrowed through the petitioner. Therefore, the finance company has issued a notice to the petitioner on 04.06.2013 and the cheque issued by the husband of the de-facto complainant got dishonoured for "Insufficient Funds" and therefore, the petitioner had filed a private complaint against him under section 138 of the Negotiable Instruments Act, which is pending in C.C.No.1503 of 2014 before the Judicial Magistrate, Odanchatram. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.Heard the learned Government Advocate (Criminal side) appearing



5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Dindigul 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 the petitioner shall appear before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. 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/-
24/04/2015

/ TRUE COPY /

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

TO

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

+1. CC to M/S.I.PAUL NOBLE DEVA KUMAR Advocate SR.No. 22221

SR : 04.05.2015 : 2P/6C

ORDER
IN
CRL OP(MD) No.6635 of 2015
Date :24/04/2015