



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

Friday, the Seventeenth day of April Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.6939 of 2015

S. SEETHARAMAN

... PETITIONER/ ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
C3, S.S. COLONY POLICE STATION, MADURAI,
(CRIME NO.394 OF 2015).

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.PARTHASARATHY Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

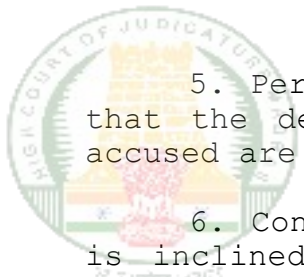
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1 apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 294(b) and 506(i) of I.P.C., in Crime No.394 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant was acting as a broker for the land purchased by the petitioner and thereby the accused are liable to pay Rs.9,97,00,000/-.

3. Mr.G.R.Swaminathan, learned counsel for the petitioner submitted that with the same allegation, the de-facto complainant lodged a complaint with the City Crime Branch, Madurai which was registered in Crime No.67 of 2010 and after investigation, the case was closed and also dropped as 'Mistake of Fact'. Further, the de-facto complainant filed a private complaint in Cr.M.P.No.1945 of 2012 before the Judicial Magistrate No.I, Madurai for the same offence and after enquiry, the complaint was dismissed, which has attained finality. It is further submitted that the petitioner to give quietus with the dispute to the de-facto complainant, paid Rs.2,50,000/- to the de-facto complainant and after receiving the amount, he in his own handwriting given a letter dated 20.06.2012 stating that he will withdraw all the complaints against the petitioner and thereafter, he filed an application seeking for a direction to register the case and on the basis of the direction, the respondent police has registered a case against the petitioner.

4. The learned counsel for the petitioner submitted that the de-facto complainant has not produced even a piece of evidence to substantiate his allegations.



5. Per contra, the learned Government Advocate (Crl.side) submitted that the de-facto complainant has given a complaint alleging that the accused are liable to pay Rs.9,97,00,000/-.

6. Considering the facts and circumstances of the case, this Court is 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 No.V, Madurai 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.

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/-
17/04/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISRATE NO.V,MADURAI.

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI

3.THE ADDL. PUBLIC PROSECUTOR,
MADURAI BECNH OF MADRAS HIGH COURT, MADURAI.

4.THE INSPECTOR OF POLICE,
C3, S.S. COLONY POLICE STATION, MADURAI.

+1. CC to M/S.S.PARTHASARATHY Advocate SR.No.19658

ORDER
IN
CRL OP(MD) No.6939 of 2015
Date :17/04/2015

rg.21.04.2015 2p.6c.