



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

Thursday, the Eleventh day of June Two Thousand Fifteen  
PRESENT

**The Hon`ble Mr Justice K.KALYANASUNDARAM**

CRL OP(MD) No.8105 of 2015

WEB COPY

1 A.PREM NAZEER

2 P.DHIL NAWAZ

... PETITIONERS/ACCUSED 1 & 4

A.MOHAMMED SURFUDEEN

... INTERVENER

Vs

STATE REP BY

THE INSPECTOR OF POLICE

CITY CRIME BRANCH,

TRICHY CITY,

CRIME NO. 8 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.RAJESHWARAN Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN

Govt. Advocate ( Crl. Side)

For Intervener : MR.B.JAMEEL ARASU, Advocate

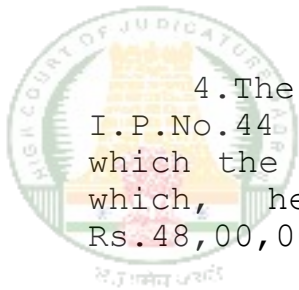
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed A1 and A4 apprehend arrest at the hands of the respondent police for the alleged offence punishable under section 420 **(\*)294(b) & 506(i)** of IPC, in Crime No.8 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the accused had borrowed Rs.54,00,000/- from the de-facto complainant, assuring to do a Real Estate business.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that there were transactions between the de-facto complainant and A2, who is the brother of A1 and the occurrence took place between 26.06.2013 and 01.06.2014, but the present complaint was given only on 12.04.2015. It is further submitted that in the meanwhile, A2 kidnapped by the de-facto complainant, for which a case was registered on 13.07.2014 against the de-facto complainant in Crime No.592 of 2014 on the file of the Singanallur Police station, Coimbatore and in that case, the de-facto complainant was arrested and released on bail. It is further submitted that the petitioners filed W.P(MD) No.16747 of 2014 before this court for 'not to harass' and the same was ordered on 13.10.2014.



4.The learned counsel further submitted that A2 had filed I.P.No.44 of 2014 on 25.06.2014 before the Sub Court, Trichy, in which the de-facto complainant has arrayed as 2<sup>nd</sup> respondent and in which, he has categorically stated that A2 had borrowed Rs.48,00,000/- from the de-facto complainant.

5.Mr.B.Jameel Arasu, learned counsel for the intervener vehemently opposed the application contending that the accused have joined together and approached the de-facto complainant for doing Real Estate business and they canvassed the de-facto complainant and believing their words, the de-facto complainant paid to the accused Rs.20,00,000/- as cash and a sum of Rs.34,00,000/- was also given to the accused, after pledging 120 sovereigns of jewels belonging to the sister of the de-facto complainant. He further submitted that A1 is the main accused and if he is released on anticipatory bail, he will temper witnesses.

6.Heard the learned Government Advocate (Criminal side) appearing for the respondent.

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

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Trichy and on each of them 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 1<sup>st</sup> petitioner shall appear before the respondent police daily at 10.00 a.m until further orders and the 2<sup>nd</sup> petitioner shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

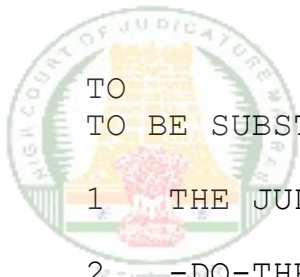
9.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-  
11/06/2015

**(\*)Amended as per order of this court  
dated.18.06.2015**

**(\*)Time is extended by two weeks.**  
/ TRUE COPY /

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



TO  
TO BE SUBSTITUTED TO THE ORDER ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE, NO.I, TRICHY

2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE TRICHY

3 THE INSPECTOR OF POLICE CITY CRIME BRANCH, TRICHY CITY.

4 THE ADDL.PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.K.RAJESHWARAN Advocate SR.No.31677

+1CC TO MR.B.JAMEEL ARASU ADVOCATE SR.NO. 30279

ORDER

IN

CRL OP(MD) No.8105 of 2015

Date :11/06/2015

NA/KBM/15/06/2015/P3/7C

NA/PPS/19/06/2015/P3/7C