



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

Monday, the Seventh day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.9439, 11131 and 15436 of 2015

SANJEEVIRAJAN

..PETITIONER/ACCUSED NO.4
in CRL OP(MD)No.9439 of 2015

G.PRABHU

..PETITIONER/ACCUSED NO.12
in CRL OP(MD)No.11131 of 2015

S.VASANTH KUMAR

..PETITIONER/ACCUSED NO.9
in CRL OP(MD)No.15436 of 2015

Vs.

1 STATE REP.BY
THE INSPECTOR OF POLICE
B-3, THEPPAKULAM, POLICE STATION,
MADURAI, MADURAI DISTRICT
(CRIME NO.598 OF 2015).

2 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH, MADURAI.
(CRIME NO.598 OF 2015).

... RESPONDENT/COMPLAINANT
in CRL OP(MD)No.9439 of 2015

STATE REP.BY
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, MADURAI.
CR.NO.598 OF 2015

..RESPONDENT/COMPLAINANT
in CRL OP(MD)No.11131 of 2015

STATE REP.BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY,
KUDARAI PADAI QUARTERS,
MADURAI -14. CR.NO.598 OF 2015

..RESPONDENT/COMPLAINANT
in CRL OP(MD)No.15436 of 2015

For Petitioner
in CRL OP(MD)No. 9439 of 2015 : M/S.S.SIVA ILAYARAJA Advocate

For Petitioner
in CRL OP(MD)No.11131 of 2015 : MR.M.SUBASH BABU, Advocate

For Petitioner
in CRL OP(MD)No.15436 of 2015 : MR.K.RAJESHWARAN, Advocate

<https://hcservices.ecourts.gov.in/hcservices/>

For Intervenor
in CRL OP(MD)No.9439 of 2015 : MR.VEERA.KATHIRAVAN, Advocate



For Respondents
in All the Petitions

: MRS.S.PRABHA,
Govt. Advocate (Crl. Side)

WEB COPY

PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.A4, 9 and 12, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of I.P.C., in Crime No.598 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the de-facto complainant, the accused have purchased gram dal from the de-facto complainant to the tune of Rs.27 lakhs, but failed to pay the amount to the de-facto complainant.

3. The learned counsel for the petitioners submitted that the first accused was acting as an agent and mediator between the accused and the de-facto complainant and the orders were placed by the accused through the mediator and the entire amount was collected by the first accused. It is further contended that the first accused has filed an Insolvency Petition in I.P.No.100 of 2014 before the Third Additional Sub Judge, Madurai.

4. The learned counsel for the intervenor submitted that the usual practice is that the accused placed order through the first accused and make payment through RTGS, but in this case, the accused have taken a stand after the first accused filing insolvency petition, stating that they paid the amount to the first accused. The learned counsel for the intervenor further submitted that the goods were delivered to the accused and the receipts contained the address of the de-facto complainant and therefore, their contention they paid the amount to the first accused cannot be accepted.

5. It is further submitted that the accused No.10 is working as a driver with the de-facto complainant for more than 20 years and he introduced the first accused stating that he was running a business at Madurai and believing his words, the de-facto complainant has delivered the goods.

6. The learned Government Advocate (Crl.side) submitted that the petitioners have not bad antecedent.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate No.I, Madurai and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at



10.00 a.m. for a period of one week and thereafter as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. 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/-
07/09/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.

2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
B-3, THEPPAKULAM, POLICE STATION, MADURAI.
MADURAI DISTRICT.

5 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH, MADURAI.

6 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, MADURAI.

7 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY,
KUDARAI PADAI QUARTERS, MADURAI.

+1CC to M/S.S.SIVA ILAYARAJA Advocate SR.No.52524

+1CC to M/S.M.SUBASH BABU, Advocate Sr.No.52449

+1CC to M/S.K.RAJESHWARAN, Advocate Sr.No.52402

+1CC to M/S.VEERA.KATHIRAVAN, Advocate Sr.No.52785

akm/14.09.2015 /3p-12c/

ORDER
IN

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