



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

Friday, the Third day of July Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP (MD) No.9475 of 2015

WEB COPY

1 SUBRAMANI
2 SUBBIAH @ MURUGESAN
3 KANNAN

... PETITIONERS/ACCUSED A1 TO A3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
E-1, K.PUDUR POLICE STATION,
MADURAI DISTRICT.
CR. NO. 479/2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.LAKSHMI KANTH 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 petitioners, who are arrayed as accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 174 Cr.P.C @ 306 I.P.C and Section 9 of Tamil Nadu Prevention of Exorbitant Interest Act in Crime No.479 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 received Rs.80 lakhs from the deceased and made adverse comments against the deceased and also they purchased Krishna Theatre property on a false representation, thereby cheated him and due to financial crisis, he committed suicide.

3.The learned counsel for the petitioners submitted that the deceased Mayakesan @ S.M.Kesavan, who is elder brother of Athinarayanan and the accused are business partners and they were doing real estate business. All the partners have invested amount in different ratios towards purchase of the property and that the property named as Krishna Theatre was purchased by the partners and a power of attorney was given in favour of the deceased and the deceased had mortgaged the property and obtained a loan.

4.The learned counsel for the petitioners further submitted that the petitioners are innocent and they have been falsely implicated and after the demise of the said Mayakesavan, some of the properties were settled in favour of his wife and the dispute among the partners were also settled. It is further submitted that the ingredients of offence of Section 306 I.P.C and Section 9 of Tamil Nadu Prevention of Exorbitant Interest Act would not made out in the instant case.



5.The learned Government Advocate (Crl.side) submitted that the case has been registered on the basis of the complaint given by the Solaimalai Hotel and the Police recovered the suicide note, which would show that the deceased had given Rs.80,00,000/- to the petitioners and also he died to the financial problems.

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.VI, Madurai and on each 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 petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders. 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/-
03/07/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

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

3 THE INSPECTOR OF POLICE
E-1, K.PUDUR POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.S.LAKSHMI KANTH Advocate SR.No.36054

ORDER
IN
CRL OP(MD) No.9475 of 2015
Date :03/07/2015