WEB COPY

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

Tuesday, the Twenty Eighth day of April Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.13460 of 2013

1 P.RAJENDRAN
2 R. MAHALAKSHMI ... PETITIONERS/ACCUSED 1 & 2

S.SWAMIDASAN ... INTERVENOR

Vs

THE INSPECTOR OF POLICE
CITY CRIME BRANCH MADURAI UNIT I,
MADURAI 14, CR. NO. 42/2013. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SENTHIL KUMAR Advocate

For Respondent : Govt. Advocate ( Crl. Side)

For Intervenor : M/S.R.VENKATESAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners are A1 and A2 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 406, 420 and 506(i) of IPC, in Crime No.42 of 2013 on the file of the respondent police and hence, seek anticipatory bail.

2.One D.Swamidasan lodged a complaint that he is a retired Sub-Inspector of Police and A1 and A2 are husband and wife, had approached him in the year 2008 and represented that he can invest Rs.50,00,000/- in the school run by them to make him as one of the parters. Believing the words, the de-facto complainant had paid Rs.30 Lakhs between 2008 and October 2011, but the accused have not taken any steps to make him as a partner, nor paid back the amount received by them and that on 21.07.2112, A1 had issued a cheque for Rs.5,00,000/- and the same was dishonoured as 'Insufficient Funds' and the other accused have threatened the de-facto complainant.

3.The learned counsel for the petitioners submitted that the petitioners were running a school and they have borrowed Rs.12 Lakhs from the de-facto complainant and totally repaid Rs.12,00,000/- to the de-facto complainant and other persons, including the principal amount and since, the petitioners were threatened and demanded exorbitant interest, the first petitioner gave a complaint against the creditors, including the de-facto complainant and the same was registered in Crime No.705 of 2012 on the file of the Oomachikulam Police Station on 24.08.2012.

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

4.The learned counsel further submitted that the de-facto complainant has filed a private complaint under section 138 of the Negotiable Instruments Act alleging that the first petitioner is his

friend and on 24.06.2012, he borrowed Rs.5,00,000/- as 'Hand Loan' and he issued a cheque on 21.08.2012 and the same was dishonoured. The learned counsel further submitted that the entire allegations are false and the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

5.The learned counsel for the intervenor/de-facto complainant vehemently opposed the petition contending that the petitioners have received Rs.30 Lakhs from the de-facto complainant, assuring him to make him as one of the partners in the school run by them, but they did not keep up their words.

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

7.However, considering the 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.II, Madurai 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 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/-
28/04/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, MADURAI.

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

3. THE INSPECTOR OF POLICE
CITY CRIME BRANCH MADURAI UNIT I, MADURAI 14.

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

SR/AMF : 05.05.2015 : 2P/5C

ORDER
IN
CRL OP(MD) No.13460 of 2013
Date :28/04/2015

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