



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

Monday, the Fourth day of January Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.21455 of 2015

WEB COPY

K.DEIVANAYAGAM

... PETITIONER/ACCUSED NO.4

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TRICHY DISTRICT,
CR NO.22 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S G.R.SWAMINATHAN Advocate

For Respondent : MR.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

For Intervenor : MR.T.MADASAMY, Advocate

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

The petitioner, who is arrayed as the fourth accused, in Crime No.22 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 418, 420 and 506(i) IPC and hence, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused, on promising to get medical seat in Indira Gandhi Medical College and Research Institute, Pondicherry. received a sum of Rs.26 lakhs from the defacto complainant and they neither got admission in medical college nor returned money and when he demanded money the first accused issued three cheques and they same were returned with an endorsement 'insufficient fund'. When the defacto complainant demanded money, the first accused abused the defacto complainant in filthy language and threatened with dire consequences.

3. The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and no amount was paid to him. He intervened to settle the dispute between the defacto complainant and A1 and A5 and advised A1 and A5 to return the amount to the defacto complainant and no settlement was arrived at between them. The petitioner is physically handicapped person and therefore, prays for grant of anticipatory bail.

4. The learned counsel for the intervenor submitted that the petitioner and other persons including the petitioner colluded together and cheated the defacto complainant and the petitioner was also actively involved in cheating the defacto complainant.



5. The learned Government Advocate (Crl.side) would submit that charges against the accused is that they promised to get medical seat for the daughter of the defacto complainant and they neither got admission in the medical college nor repaid the amount and investigation is pending.

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6.The allegation against the petitioner is that he accompanied the defacto complainant while amounts were paid to A5 and A1 admitted the amount received and issued cheques for repayment of the amounts, which were returned. The contention of the learned counsel for the petitioner is that the petitioner tried to settle the matter and he has been falsely implicated.

7.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.II, Trichy, 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 10.30 a.m until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8.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/-

04/01/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, TRICHY.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, CITY CRIME BRANCH, TRICHY DISTRICT.

+1. CC to MR.T.ANTONY ARUL RAJ, Advocate SR.No.423

akm/07.01.2016/2p-6c/MP/PM/SAR-II

ORDER

IN

CRL OP(MD) No.21455 of 2015

Date :04/01/2016