



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

Wednesday, the Twenty Fourth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.7644 of 2015

MURUGAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY
THE SUB-INSPECTOR OF POLICE
ALWARTHIRUNAGARI POLICE STATION,
THOOTHUKUDI DISTRICT.
CR. NO.56/2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.MUTHU ESAKKI Advocate

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

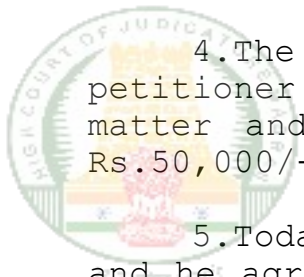
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 424, 294(b) and 506(ii) IPC, in Crime No.56 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner received a sum of Rs.2,50,000/- from the de facto complainant on promising to return the same within a period of six months. Subsequently, when the de facto complainant demanded money, the petitioner threatened him with dire consequences and refused to return the money. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is a friend of the de facto complainant and the de facto complainant approached the petitioner to help him to sell his house and the petitioner arranged one Karuppasamy and the de facto complainant entered into an agreement with the said Karuppasamy and subsequently the said Karuppasamy did not pay the sale consideration and therefore that agreement was cancelled and due to that the de facto complainant has given a false complaint against the petitioner. Now, the petitioner has paid a sum of Rs.2,00,000/- to the de facto complainant.



4.The learned counsel for the petitioner submitted that the petitioner and the de facto complainant are already settled the matter and the petitioner is willing to pay the balance sum of Rs.50,000/- to the de facto complainant on or before 24.09.2016.

5.Today the de facto complainant is present before this Court and he agreed that he has received a sum of Rs.2,00,000/- from the petitioner.

6.Heard the learned Government Advocate (Criminal side).

7.Considering the facts and circumstances of the case and also considering the fact that the petitioner and the de facto complainant compromised the matter, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikuntam, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

8.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
24/08/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
SRIVAİKUNTAM.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

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

4 THE SUB-INSPECTOR OF POLICE
ALWARTHIRUNAGARI POLICE STATION,
THOOTHUKUDI DISTRICT.

+1. CC to M/S.A.MUTHU ESAKKI Advocate SR.No.47568

ORDER

IN

CRL OP(MD) No.7644 of 2015

Date :24/08/2016

AM/SK.SKN/SAR-III/01.09.2016/3P/6C