



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

Friday, the Fifth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1402 of 2016

SENTHIL

..PETITIONER/SOLE ACCUSED

K.SELVARAJ

..INTERVENOR

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION,
THANJAVUR DIST,
CR.NO. 8/2016.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S S.DEENADHAYALAN Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

For Intervenor : Mr.T.MURUGANANTHAM, Advocate

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

ORDER : The Court Made the following order :-

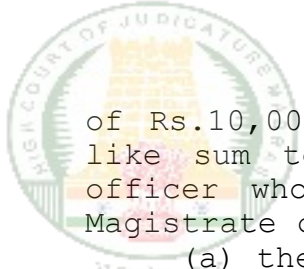
Apprehending arrest at the hands of the respondent police in Crime No.8 of 2016, on the file of the respondent police for offences under Sections 406, 420 and 506(i) IPC, the petitioner is now before this Court seeking Anticipatory Bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3.It is seen that the de-facto complainant is an Advocate and the petitioner is his close friend. Both of them had sold a land on 21.12.2015 and after collecting the sale amount from the purchaser, it is alleged by the de-facto complainant that they were counting the cash in the office of the de-facto complainant. It is further alleged that suddenly the petitioner ran away with Rs.6,09,000/- and absconded.

4. Mr.Chakkravarthy, learned counsel for the de-facto complainant, strongly objected to the grant of anticipatory bail. Even according to the de-facto complainant, the alleged incident had taken place on 21.12.2015, but whereas the complaint itself has been given only on 06.01.2016, it, thus, arouse suspicion in the mind of this Court. Mr.Chakkaravarthy, learned counsel for the de-facto complainant has further contended that the petitioner has a previous case in Crime No.378 of 2015. Be that as it may, taking into consideration the nature of the allegations found in the FIR, this Court is of the view that it is a fit case to grant anticipatory bail.

5. Accordingly, the petitioner is ordered to be released on bail, in the sum of Rs.1,00,000/- 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, Pattukottai, on executing a separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that,

(a) the petitioner shall report before the respondent police everyday at 6.30 p.m. until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

[e] The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl. Side) as to whether the petitioner is complying with the condition or not.

sd/-
05/02/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI, THANJAVUR DISTRICT.
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMABKONAM.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, MADUKKUR POLICE STATION, THANJAVUR DIST.

+1. CC to M/S S.DEENADHAYALAN Advocate SR.No.7175
+1cc to M/s.T.MURUGANANTHAM, Advocate in SR.7382

ORDER IN
CRL OP(MD) No.1402 of 2016
Date :05/02/2016

PBK/JGB-DP/SAR-I 10/02/2016 ::2P-7C::