



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

Tuesday, the Thirtieth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14994 of 2016

1 YEGAMMAI ,
2 AR.SIVA,

... PETITIONERS/ACCUSED 1&2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION, MADURAI DISTRICT.
(CRIME NO.461 OF 2016)

... RESPONDENT/COMPLAINANT

PANDIARAJAN

... INTERVENOR

For Petitioner : M/S.A.R.SETHUPATHY Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)
For Intervenor : M/S.V.P.RAJAN, Advocate

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 & 2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC, in Crime No.461 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Manager of Sunwin Palimars. The said company was having business transaction with Anuman Weaving Mills Private Limited of the petitioners. The petitioners did not pay the amounts and settle the account. One Lakshmana Chettiar, a leading Industrialist, intervened and a settlement was arrived in between two companies on 18.03.2015 and after reconciling the accounts of both the company by respective Auditors of the company, they will settle the amount and a sum of Rs.18,00,000/- was found due. An agreement was entered into and the petitioners promised to pay the amount within short time. Subsequently, they did not pay the amounts. When the defacto complainant demanded the amount, the petitioners gave a cheque for a sum of RS.4,90,000/- and agreed to pay the balance amount in short time. On depositing the cheque, the same has been returned with an



endorsement that 'account closed'. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners entered into a business transaction with the defacto complainant and borrowed a sum of Rs.4,90,000/- in the year 2010 by issuing an un-dated cheque as security for the said amount and thereafter, the petitioners repaid the amount together with interest in the year 2011 itself. Even after repaying the amount, in the presence of one Lakshmanan Chettiar, the petitioners asked the defacto complainant to return the cheque. Due to computerization of the account, the savings Bank account number of the petitioners was changed on 29.02.2010. Though the defacto complainant promised to return the cheque, with an ulterior motive presented the cheque and gave the present complaint.

4.The learned counsel for the Intervenor reiterated the averments made in the complaint and submitted that the petitioners cheated the defacto complainant.

5.The learned Government Advocate (Criminal side) submitted that investigation is pending.

6.Considering the facts and circumstances of the case and also considering the nature of allegation that in the business transaction the petitioners paid the amount due as agreed upon and the custodial interrogation of the petitioners are not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, on condition that each of the petitioners 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 petitioners shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid



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

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sd/-
30/08/2016

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE
THIRUMANGALAM

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3.THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.T.R.SUBRAMANIAN, Advocate SR.No.48258
+One cc to M/S.V.P.RAJAN, Advocate, SR.No.48358

RL/7C/3P/CK/SARIII/6/9/2016

ORDER
IN
CRL OP(MD) No.14994 of 2016
Date :30/08/2016