



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

Thursday, the Seventeenth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21344 of 2016

KANNAN,

... PETITIONER / 1st ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI DISTRICT
CRIME NO. 798 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.POLEX LEGAL SOLUTIONS Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

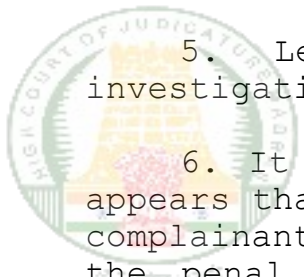
ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 506(ii) IPC in Crime No.798 of 2015 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the defacto complainant sent his car for service with one Ketaketi Car Service Centre, where the petitioner was working and the petitioner, without rectifying the defects, charged Rs.40,000/- as service charge, thereby cheated the defacto complainant, which resulted in registration of the present case.

4. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and he had nothing to do with the alleged offences.



5. Learned Government Advocate (Crl.Side) submitted that the investigation of the case is pending.

6. It is seen that the occurrence is of the year 2015 and it appears that there is a deficiency in service, for which the defacto complainant, instead of approaching the Consumer Forum, has invoked the penal provision. Therefore, this Court is of the view that custodial interrogation of the petitioner is not necessary at this stage. **Therefore, this Court is inclined to grant anticipatory bail to the petitioner.**

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Theni, subject to the following conditions:**

(i) **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 the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) **the petitioner shall report before the respondent police daily at 10:30am for one week and thereafter as and when required for interrogation;**

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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]**.

sd/-
17/11/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
THENI

2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT

3 THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION, THENI DISTRICT

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

+1. CC to M/S.POLEX LEGAL SOLUTIONS Advocate SR.No.69946

ORDER

IN

CRL OP (MD) No.21344 of 2016

Date :17/11/2016

SMA/PV/AR-CS2/23.11.2016:3P/6C