



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

Friday, the Eighteenth day of November Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21941 of 2016

CHELLAPPAN @ NALLAMALAI

... PETITIONER/ACCUSED No.3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
PUDUKOTTAI,
PUDUKOTTAI DISTRICT.
CR.NO.18/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.SENGUTTUARASAN Advocate

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

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

ORDER : The Court Made the following order :-

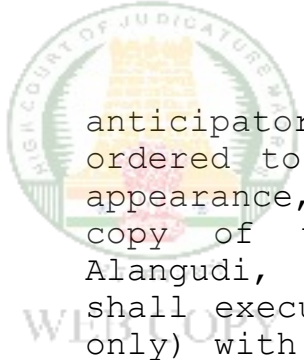
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 120(b), 403, 406, 420, 506(i) IPC in Crime No.18 of 2015 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that A1, A2, A4 and A5 gave assurance to the de facto complainant for obtaining loan amount of Rs.5 crores and thereby received a sum of Rs.46,50,000/- as document charges. However, they failed to make arrangement for getting loan amount and thereby cheated.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the said amount has been recovered from A1.

4.The learned Government Advocate (Crl.side) submitted that investigation is pending.

5.Considering the facts and circumstances of the case and also taking note of the specific overt act attributed against the petitioner and the amount has been recovered, I am inclined to grant



anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alangudi, Pudukkottai District, 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 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 daily at 10.30 a.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).

sd/-
18/11/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
ALANGUDI, PUDUKKOTTAI DISTRICT.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

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

4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, PUDUKOTTAI,
PUDUKOTTAI DISTRICT,

+1. CC to M/S.P.SENGUTTUARASAN Advocate SR.No.70541.

ORDER

IN

CRL OP(MD) No.21941 of 2016

Date :18/11/2016