



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

Thursday, the Twenty Fourth day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) Nos.3681 and 3727 of 2016

1 RAJAJI
2 RAJESHKUMAR ... PETITIONERS / ACCUSED No.1 and 2
in CRL.OP(MD)No.3681/2016

1.M.MUNIR ABAMED
2.SABOOR KAMIL ... PETITIONERS / ACCUSED
in CRL.OP(MD)No.3727/2016

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL, DINDIGUL DISTRICT.
CR.NO. 4 OF 2016
(Respectively)

... RESPONDENT / COMPLAINANT IN BOTH CASES.

For Petitioner : M/S. N.MARIAPPAN Advocate
in CRL.OP(MD)No.3681/2016

For Petitioner : M/S.D.SHANMUGARAJASETHUPATHI, Advocate
in CRL.OP(MD)No.3727/2016

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)
IN BOTH THE CASES.

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.04 of 2016, on the file of the respondent police for offences under Sections 406, 420 and 120(B) IPC, the petitioners are now before this Court seeking Anticipatory Bail.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl.side) appearing for the respondent.

3.On a reading of FIR, it appears that the defacto complainant and Rajaji-A1 had entered into an agreement on 10.10.2013 for doing a real estate business, pursuant to which, certain properties were purchased. It is alleged by the defacto



complainant that he has been cheated on his dues. Earlier, on the same complaint, an enquiry was conducted by the District Crime Branch and the same was closed as the matter was in civil nature on 25.01.2016. The defacto complainant appears to have been approached the Superintendent of Police, pursuant to which, the present FIR was registered on 20.02.2016.

4. In the light of the above, this Court is of the view that it is a fit case to grant anticipatory bail to the petitioners, but with conditions.

5. Accordingly, the petitioners 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 No.II, Dindigul, 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 petitioners shall report before the respondent police as and when required for interrogation.

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

[c] the petitioners 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 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 down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

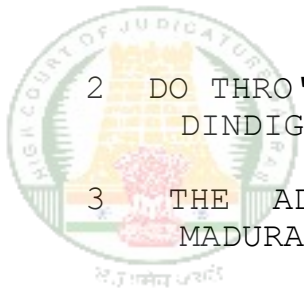
[e] The Inspector of Police concerned is directed to send compliance report to the office of the learned Government Advocate (Crl. Side) as to whether the petitioners are complying with the condition or not.

sd/-
24/03/2016

/ TRUE COPY /

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

TO



2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL

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

4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL, DINDIGUL DISTRICT.

+1. CC to M/S N.MARIAPPAN Advocate SR.No.17140

+1 cc to Mr.D.SHANMUGARAJA SETHUPATHI, Advocate, SR No. 16799

ORDER
IN
CRL OP(MD) Nos.3681 and 3727 of 2016
Date :24/03/2016

RG.AAL-MPA/SAR-I 29.03.2016 3P/7C