



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

Monday, the Twenty Fifth day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice G.CHOCKALINGAM

CRL OP(MD) No.4844 of 2016

SUBAN BASHA @ ABDUL SUBAN

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
MADURAI.
[CRIME NO. 21 OF 2015]

... RESPONDENT / COMPLAINANT

PARVATHAVARTHINI

... INTERVENER/DEFACTO COMPLAINANT.

For Petitioner : M/S P.THIRUMALAI RAJA Advocate

For Respondent : MR.A.P.BALASUBRAMANI, Govt. Advocate (Crl. Side)

For Intervener : MR.KANNAN,Advocate.

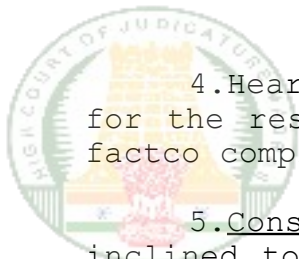
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is the sole accused apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 506(i) of IPC, in Crime No.21 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that both the petitioner and the de-facto complainant were jointly doing Car sales business and the petitioner had borrowed Rs.5 Lakhs from the de-facto complainant and on security, he had issued two cheques to the de-facto complainant and on demand for repayment, the petitioner has threatened the de-facto complainant with dire consequences.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and that occurrence took place on 23.09.2013 and 24.09.2013, but the FIR stands registered only in the year 2015. It is further submitted that earlier the petitioner has filed Crl.O.P(MD) No.17397 of 2015 seeking for anticipatory bail and that was referred to the Medication Centre and in the mediation, the de-facto complainant admitted that he only gave Rs.5 Lakhs to the petitioner and received Rs.50,000/- as initial payment from the petitioner and when the matter is
<https://hcservices.mys.gov.in/hcservices/> petition was dismissed for non prosecution for the non-appearance of the petitioner's counsel and the petitioner is very well settled the dispute amicably with the de-facto complainant.



4. Heard the learned Government Advocate (Criminal side) appearing for the respondent as well as the learned counsel appearing for the de-facto complainant.

5. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, on condition that the petitioner shall deposit a sum of Rs.4,50,000/- [Rupees Four Lakhs and Fifty thousand only] to the credit of Crime No.21 of 2015 on the file of the Judicial Magistrate No.1, Madurai and on such deposit is being made and after production of the proof for depositing the said amount, the Registry is directed to issue order copy to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.1, Madurai and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the court concerned in all working days daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

sd/-
25/04/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.1,
MADURAI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

4 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
MADURAI.

COPY TO: THE SECTION OFFICER
CRIMINAL SECTION,
MADURA BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S JEYAKARTHIK, Advocate SR.No.23369
+1CC to M/S. M.KANNAN, Advocate, SR.No. 23314.

ORDER
IN
CRL OP (MD) No.4844 of 2016
Date :25/04/2016