



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

Tuesday, the Twelfth day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice G.CHOCKALINGAM

CRL OP(MD) No.6131 of 2016

KANDASAMY

... PETITIONER/ A1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
KOVILPATTI,
THOOTHUKUDI DISTRICT,
CR NO. 234 OF 2016.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.PON SENTHIL KUMARAN Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

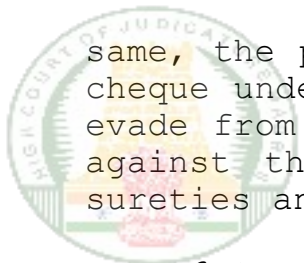
The petitioner, who is arrayed as A1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 511 r/w 420 I.P.C., in Crime No.234 of 2016 on the file of the respondent police hence, seeks anticipatory bail.

2.The learned counsel for the petitioner submitted that the defacto complainant borrowed Rs.2,50,000/- from the petitioner and he has not repaid the amount and the petitioner filed the private complaints in S.T.C.Nos.612 and 613 of 2016 before the learned Judicial Magistrate No.1, Kovilpatti under Section 138 of Negotiable Instruments Act and the same are pending.

3.Heard the learned Government Advocate (Crl.side) appearing for the State. He would submit that if the petitioner is released on bail, he will tamper the witnesses and the petition has to be dismissed.

4 The learned counsel for the petitioner has produced the copy of the complaints in the form of typed set of papers.

5. On a perusal of typed set of papers, it is seen that the present petitioner lodged private complaints in S.T.C.Nos.612 and 613 of 2016 against the defacto complainant namely, T.Kannan S/o Thippiah Nalcker in order to recover Rs.3 Lakhs by way of a cheque. Since the defacto complainant borrowed money and not repaid the



same, the petitioner has preferred private complaints for return of cheque under Section 138 of Negotiable Instruments Act. However, to evade from liability the defacto complainant filed the present case against the petitioner and the petitioner is willing to execute sureties and hence, he may be released on bail.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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.II, Kovilpatti, and on 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 concerned Magistrate Court daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation, without fail. If the petitioner is not complied with the condition as stipulated by this Court, the respondent police is directed to move cancellation of bail before this Court immediately. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
12/04/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
KOVILPATTI, THOOTHUKUDI DISTRICT.

+1. CC to M/S S.PON SENTHIL KUMARAN Advocate SR.No.20372
RG.SK-SKN/AR-I 13.04.2016 2P.6C

ORDER
IN
CRL OP(MD) No.6131 of 2016
Date : 12/04/2016