



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

Thursday, the Sixteenth day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.9376 of 2016

1 V.R. SEKARAN  
2 A. GNANADURAI  
3 V.R.S. SAM ANANDH

... PETITIONERS/ACCUSED 1 TO 3

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE  
MALLANGINAR POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
(CRIME NO. 37 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.JACOB @ JACOB ASSOCIATES Advocate

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

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

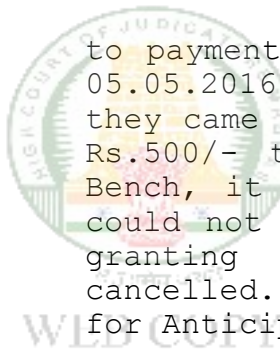
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A3, apprehending arrest at the hands of the respondent police, for the alleged commission of offences punishable under Sections 417, 420 and 506(i) of I.P.C., in Crime No.37 of 2016, on the file of the respondent police, seeks anticipatory bail.

2. On a reading of the complaint, it is seen that the de-facto complainant and the petitioners were doing business and that the petitioners had failed to either share the profits or return the money to the de-facto complainant. On a further reading of the FIR, it is stated by the de-facto complainant that one of the petitioner had given cheque on 29.10.2014 for Rs.20 lakhs, which has been dishonoured. Thus, the matter prima facie appears to be a civil transaction between the parties.

3. The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution.

4. The learned counsel for the petitioners submitted that the petitioners have already filed Crl.O.P.(MD) No.5679 of 2016 before this Court. This Court, by order dated 01.04.2016, granted anticipatory bail to them. But, the petitioners were not able to arrange sureties within a period of 15 days and therefore, they filed a petition for extension of time and the same was allowed by this Court on 29.04.2016 on condition to deposit Rs.500/- to the Tamil Nadu Legal Services Committee attached to this Bench on the very same day i.e., on 29.04.2016 and surrender on or before 05.05.2016 before the Trial Court. The time limit with respect



to payment of Rs.500/- was inadvertently misunderstood by the counsel as 05.05.2016. When the petitioners received the order copy on 03.05.2016, they came to know that the time limitation and immediately, rushed to pay Rs.500/- to the Tamil Nadu Legal Services Committee attached to this Bench, it was refused as it was time barred. Therefore, the petitioners could not comply with the condition imposed by this Court and the order granting anticipatory bail to the petitioners was automatically cancelled. Hence, the petitioners have come out with the present petition for Anticipatory Bail.

5. Heard the learned Government Advocate (Criminal side).

6. Considering the facts and circumstances of the case and considering the fact that already this Court granted anticipatory bail to the petitioners in Crl.O.P.(MD)No.5679 of 2016, dated 01.04.2016, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Aruppukkottai, and on each of them 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 petitioners 1 and 2 shall appear before the respondent police daily at 6.30 p.m. until further orders and the third petitioner shall appear before the respondent police, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

7. The petitioners 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/-

16/06/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, ARUPPUKKOTTAI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT.

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

4 THE INSPECTOR OF POLICE  
MALLANGINAR POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.JACOB, Advocate SR.No.30945

ORDER

IN

CRL OP(MD) No.9376 of 2016

Date :16/06/2016