



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

Monday, the Twenty First day of August Two Thousand Seventeen  
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10497 of 2017

MURUGIAH

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE  
BOILER PLANT POLICE STATION,  
TRICHY DISTRICT.  
CRIME NO.90 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.DEEPAK Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

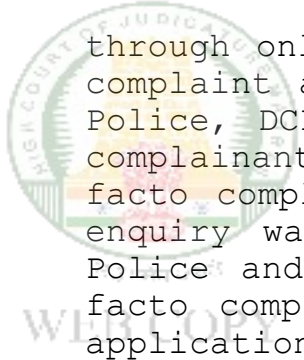
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 465, 468, 471 of IPC in Crime No.90 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the de facto complainant is husband and wife. The mother of the de facto complainant gave a sum of Rs.5 lakhs and the same was deposited in the account of the de facto complainant. The petitioner by forging the signature of the de facto complainant has withdrawn the said amount from her bank account.

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 petitioner retired from BHEL as a General Manager and due to misunderstanding between the de facto complainant and the petitioner they are living separately. He also submitted that the de facto complainant has filed a petition for restitution of conjugal before the Sub Court, Trichy in H.M.O.P.No.169 of 2017.

4.The learned counsel for the petitioner further submitted that the petitioner and the de facto complainant is having a joint account in the Bharat Heavy Electricals Employees' Co-Operative Bank, Trichy. All the transactions between the parties are done



through online. He also submitted that the petitioner has given a complaint against the de facto complainant before the Inspector of Police, DCP, Trichy, in which summons were issued to the de facto complainant for enquiry. Earlier complaint preferred by the de facto complainant before All Women Police Station (South), Madurai enquiry was conducted and the same was closed by the respondent Police and again the present complaint has been given by the de facto complainant as the petitioner has chosen to file a divorce application against the de facto complainant.

5.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that petitioner is the sole accused in this case. He further submitted that the investigation is still pending.

6.Considering the facts and circumstances of the case and also taking note of the fact that the nature of transactions between the petitioner and the de facto complainant through online as they are having joint account in concerned Bank, 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 on which the order copy is made ready, before the learned Judicial Magistrate No.VI, Trichy 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 weekly once on every sunday 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/-  
21/08/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.VI, TRICHY.

2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

3 THE INSPECTOR OF POLICE,  
BOILER PLANT POLICE STATION, TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.DEEPAK Advocate SR.No.29120  
GNS/VSA  
CSL/PM-PN/SAR-I/24.08.2017 : 3P/6C

ORDER

IN

CRL OP(MD) No.10497 of 2017

Date :21/08/2017