



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

Monday, the Fourth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.10585 of 2017

1 NIVAS KANNA

2 C.SAROJA

... PETITIONERS/ACCUSED NO.2 & 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THIRUVERUMBUR POLICE STATION,
TRICHY DISTRICT.

CRIME NO. 570 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.KARUNANITHI Advocate

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

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

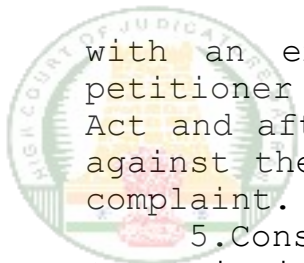
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A2 & A3 in Crime No.570 of 2017 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379, 392, 420, 466, 471 & 120(b) IPC and hence, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent/State.

3.The learned Additional Public Prosecutor, on instructions, submitted that the parents of the de-facto complainant purchased a two wheeler through hire purchase with one Sri Krishna Motor Finance. For security purpose, they gave five unfilled cheque leaves to the said company, which were misused by them and hence the present case came to be filed.

4.The learned counsel for the petitioners submitted that the present case was purely a foisted one. The petitioners herein lent a sum of Rs.2,00,000/- to A1 as well as the de-facto complainant and for the same a loan agreement was executed. Thereafter the de-facto complainant and A1 used the vacant place of the petitioners herein as their godown, for a rent of Rs.10,000/- per month. When the petitioners asked about the re-payment of loan, the de-facto complainant issued a cheque for Rs.3,75,000/-, which was returned



with an endorsement, "insufficient funds". Thereafter, the second petitioner issued a notice under section 138 Negotiable Instruments Act and after receiving the same, the present case has been foisted against them. They have not committed any offence as alleged in the complaint. They are ready to co-operate with the enquiry.

5. Considering the facts and circumstances of the case, this Court is 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 No. VI, Trichy and on each 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 shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition 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 shall stand automatically dismissed.

sd/-
04/09/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE VI, TRICHY.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
- 3 THE INSPECTOR OF POLICE
THIRUVERUMBUR POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.KARUNANITHI Advocate SR.No.30084

GK/CMR
CSL/CM-MSA/SAR-I/08.09.2017 : 2P/6C

ORDER
IN
CRL OP(MD) No.10585 of 2017
Date : 04/09/2017