



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

Wednesday, the Twenty Fifth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14280 of 2017

A.MARIAPPAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
CENTRAL POLICE STATION, THOOTHUKUDI.
CR.NO.353 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.BALAKRISHNAN Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

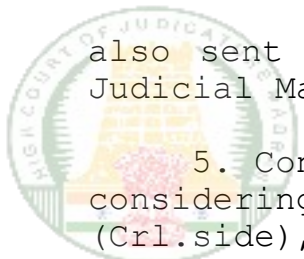
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 294(b), and 506 (i) of I.P.C., in Crime No.353 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant paid a sum of Rs.5,00,000/- to petitioner and one Piramuthu. Thereafter, Piramuthu returned a sum of Rs.3,50,000/- and subsequently paid the balance amount to the defacto complainant and also submitted the evidence to that effect before the Inspector of Police. But, the defacto complainant did not agree the evidence produced by one Piramuthu and file a complaint before the Judicial Magistrate No.2, Thoothukudi under Sections 156(3) of the Cr.P.C. Accordingly the learned Judicial Magistrate directed the respondent to investigate the matter. Aggrieved by the same the petitioner filed the present anticipatory bail before this Court.

3.The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution. Due to previous dispute between the petitioner and the defacto complainant, the defacto complainant lodged a false complaint before the learned Judicial Magistrate, under Section 156(3) of Cr.P.C.

4. The learned Government Advocate (Crl.side) appearing for the respondent, on instructions, would submit that the respondent police



also sent a favourable report in favour of the petitioner to the Judicial Magistrate.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m., for a period of two weeks.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-

25/10/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CENTRAL POLICE STATION, THOOTHUKUDI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.BALAKRISHNAN Advocate SR.No.33118

ORDER IN

CRL OP(MD) No.14280 of 2017

Date :25/10/2017