



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

Monday, the Twentieth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.1772 of 2017

D.MANIKANDAN

... PETITIONER / ACCUSED No.2

Vs

State represented through
THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT
(CRIME NO. 894 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. J.M.HASSANUL BAZARI Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

For Intervenor : Mrs.M.Sakunthala, Advocate

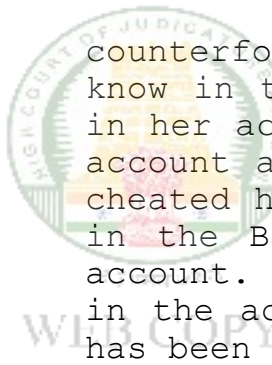
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A2, in Crime No.894 of 2016 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 352, 506(i) and 420 IPC and hence, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner, the learned Government Advocate(Crl. Side) for the respondent/State and the learned counsel appearing for the intervener/defacto complainant.

3.The learned counsel for the petitioner submitted that it is alleged in the complaint that the defacto complainant was deserted by her husband in the year 2015, for which he paid a sum of Rs.4 lakhs as a life time maintenance. A1 is the friend of the defacto complainant and he mesmerized her stating that she would receive higher interest, if she deposited in Axis Bank. On the basis of that, she handed over Rs.2 lakhs to A1. On 30.09.2015 a new savings bank account was opened in the defacto complainant's name in the Axis Bank with the help of the petitioner/A2. After that, on 03.10.2015, the defacto complainant handed over another Rs.2 lakhs to A1 for depositing the same in her account. Though A1 produced a



counterfoil for depositing Rs.2 lakhs in her account, she came to know in the month of March, 2016 that only Rs.2 lakhs is available in her account and that another Rs.2 lakhs was not deposited in her account and it was deposited only in the account of A1 and thereby cheated her. The petitioner/A2 is only working as Office Assistant in the Bank. He helped the defacto complainant only to open an account. The amount alleged to have been cheated is deposited only in the account of A1. He has nothing to do with the offence. He has been falsely implicated in this case.

4.The learned Government Advocate (criminal side) submitted that the investigation is pending and that the co-accused viz., A3 and A4 have already been released on anticipatory bail by this Court in CrI.O.P.(MD).No.1306 of 2017 vide order dated 07.03.2017.

5. This Court earlier directed the learned Government Advocate to verify whether the signature found in the counterfoil is that of the petitioner/A2 or not?. Today, the learned Government Advocate produced a letter, dated 14.03.2017, given by the Branch Manager of the Bank by name Mr.V.Manimozhian, wherein it is stated that on 30.09.2015 a sum of Rs.45,000/- and on 30.09.2015 a sum of Rs.1,55,000/- have been credited in the account of the defacto complainant. The account number mentioned in the counterfoil dated 03.10.2015 is wrong and that signature found therein is not legible and even it is presumed to be the signature of petitioner/A2, he has not been authorised to do so. The amount alleged to have been cheated is deposited only in the account of A1.

6.Considering the facts and circumstances of the case and also considering the nature of the allegations raised against the petitioner and also considering the fact that the amount has been credited only in the account of A1, this Court is 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 before the learned Judicial Magistrate No.II, Ramanathapuram 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 respondent police twice in a week i.e., on every Saturday and Sunday at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.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/-

20/03/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM

2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM

3 THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT

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

+1. CC to M/S. J.M.HASSANUL BAZARI Advocate SR.No.16042

SM:CM-MSA:SAR 4:27.3.2017:3p/6C

ORDER

IN

CRL OP(MD) No.1772 of 2017

Date :20/03/2017