



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

Friday, the Tenth day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2323 of 2017

DARWIN MATHEW SAHAYAM

... PETITIONER/SOLE ACCUSED

Vs

1 THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH, NAGERCOIL,  
KANYAKUMARI DISTRICT,  
CRIME NO.24/2016

...RESPONDENT/COMPLAINANT

2 KUMAR

... RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : M/S.S.C.HEROLD SINGH Advocate

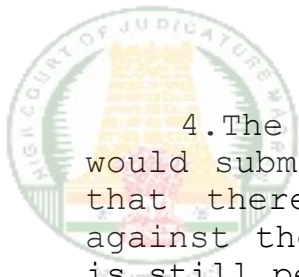
For Respondent NO.1 :MR.K.ANBARASAN, Govt. Advocate ( Crl. Side)

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

The petitioner, who is arrayed as sole accused, apprehend arrest at the hands of the respondent police for the offence punishable under Sections 420 of I.P.C., in Crime No.24 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are none other than the partners of a company. The defacto complainant entered into a sale agreement with the petitioner on receipt of payment of Rs.59,50,000/-. Thereafter the petitioner pledged the property without the consent of the defacto complainant, thereby the defacto complainant filed a complaint before the respondent police.

3.The learned counsel for the petitioner states that the petitioner and the defacto complainant are the partners of the company and he has not denied the sale agreement entered between the petitioner and the defacto complainant. But the said document was pledged before the bank for the improvement of the Digital Colour Printing company and petitioner did not cheat the defacto complainant by borrowing money. But, however the defacto complainant on his own volition gave a security before the bank. For some other reason the defacto complainant filed a false complaint before the respondent police.



4. The learned Government Advocate (Criminal Side) for the State would submit that on a perusal of the partnership deed, it is seen that there is partnership. There is no previous cases pending against the petitioner. He further submitted that the investigation is still pending.

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5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side) and also the fact that the petitioner did not have any previous case and considering the balance of convenience, 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.I, Nagercoil, 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 each 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 respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(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 abscond either during investigation or trial;

(v) the petitioner shall not commit any offence while on bail;

(vi) 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 bail granted stands cancelled automatically.

sd/-  
10/11/2017

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL

2 THE CHIEF JUDICIAL MAGISTRATE  
KANYAKUMARI DISTRICT AT NAGERCOIL3 THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH, NAGERCOIL,  
KANYAKUMARI DISTRICT, CRIME NO.24/20164 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI

+1. CC to M/S.S.C.HEROLD SINGH Advocate SR.No.34205

ORDER

IN

CRL OP(MD) No.2323 of 2017

Date :10/11/2017

SMA/RR/SAR-2/17.11.2017:3P/6C