



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

Monday, the Ninth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.32 of 2017

SEKAR

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.
SIVAGANGAI DISTRICT.
(CRIME NO.659 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.BALAJI Advocate

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

For Intervener : MR.ELIZABETH GEETHA, Advocate

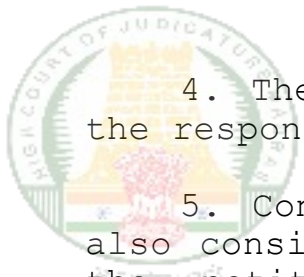
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 406, 468, 471, 420, 294(b) and 506(i) I.P.C., in Crime No.659 of 2016, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant and his relatives are the owners of the property. They were executed a power of attorney in favour of the petitioner herein. After executing the power of attorney, the petitioner has sold the property to the third parties. However, the remaining amount of Rs.7,00,000/- (Rupees Seven lakhs only) is due to the defacto complainant. For non-payment of Rs.7,00,000/-, the defacto complainant lodged a prosecution against the petitioner.

3. The learned counsel for the petitioner would submit that without prejudice his rights facing the trial before the lower Court, the petitioner is ready to deposit a sum of Rs. 7,00,000/- (Rupees Seven lakhs only) to the credit of Crime No.659 of 2017 before the learned Judicial Magistrate No.I Sivagangai.



4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that investigation is pending.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioner that the petitioner would pay a sum of Rs.7,00,000/- (Rupees Seven lakhs only) to the credit of Crime No.659 of 2017 before the learned Judicial Magistrate No.I Sivagangai, Sivagangai District without prejudice his defence before the trial, 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 15 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Sivagangai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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 is directed to deposit a sum of Rs.7,00,000/- (Rupees Seven lakhs only) to the credit of Crime No.659 of 2017 before the learned Judicial Magistrate No.I Sivagangai, on or before 30.11.2017 without prejudice his rights facing the trial before the lower Court. on such deposit, the learned Magistrate shall entertain the sureties furnished by the petitioner.

(ii) the petitioner shall report before the respondent police as and when required for interrogation;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) 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 petitioners in accordance with law and the bail granted stands cancelled automatically.

sd/-
09/10/2017

/ TRUE COPY /

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



dss/msa

TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.SIVAGANGAI DISTRICT.

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

+1. CC to M/S.S.BALAJI Advocate SR.No.32386

GJM/RR/BS/SAR-2-20.10.17-3P-6C

ORDER

IN

CRL OP(MD) No.32 of 2017

Date :09/10/2017