



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

Thursday, the Thirteenth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.4431 of 2017

1 NAMBI @ NAMBI RAJAN
2 RAVI

... PETITIONERS/ACCUSED NO.2 & 3

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE
KADAYANALLUR POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO.35/2017

... RESPONDENT

For Petitioner : M/S.N.SYED ALI Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

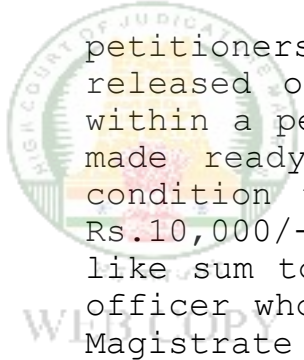
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 341, 406 and 506(ii) IPC in Crime No.35 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused by giving false promise to exchange old currency notes into a new one and thereby cheated the de facto complainant for a sum of Rs.24 lakhs.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are friends of A1 and they are no way connected with the crime.

4.The learned Government Advocate (Crl.side) submitted that totally there are 4 accused and the petitioners are arrayed as A2 and A3 respectively in this case and A1 is still absconding. A4 was granted anticipatory bail by this Court in Crl.O.P.(MD)No.1790 of 2017 on 20.02.2017. She also submitted that investigation is still pending.

5.Considering the facts and circumstances of the case and considering the gravity of offence said to have been committed by the petitioners, I am inclined to grant anticipatory bail to the



petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Tenkasi, on condition that the petitioners shall execute 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 respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioners shall report before the respondent Police daily at 10.30 a.m. for a period of 4 weeks and thereafter, as and when required.

[b]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioners shall not abscond either during investigation or trial.

[d]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 as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate / Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala (2005 AIR SCW 5560)**.

sd/-
13/04/2017

/ TRUE COPY /

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

TO

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

+1. CC to M/S.N.SYED ALI Advocate SR.No.20095

ORDER
IN
CRL OP(MD) No.4431 of 2017
Date :13/04/2017

NBJ

CSL/BS/SAR-II/17.04.2017 : 2P/6C