



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

Friday, the Twenty Eighth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP (MD) No.5504 of 2017

THIRAVIAPANDIAN

... PETITIONER / ACCUSED No.2

Vs

STATE,
REPRESENTED BY THE INSPECTOR OF POLICE,
S.S.COLONY (CRIME) POLICE STATION,
MADURAI CITY.
(CR.NO.478/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.RAMESH KUMAR Advocate

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

For Intervenor : Mr.SIVAKUMAR , Advocate for
Mr.F.X.EUGIN, Advocate

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

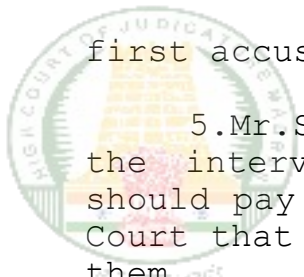
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A-2, in Crime No. 478 of 2017 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120-B, 420 and 506(ii) 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 Mr.Sivakumar, learned counsel appearing for Mr.F.X.Eugin, for the defacto complainant/intervenor.

3. The case of the prosecution is that the accused and the defacto complainant were doing business and the first accused borrowed money through the petitioner and they refused to return back money.

4. The learned counsel for the petitioner submitted that the petitioner and the first accused filed a suit in O.S.No.62 of 2015 on the file of the learned District Munsif, Melur and and the first accused, who has received money, is still absconding and no steps have been taken to arreste the first accused and the petitioner has nothing to do with the transaction and he is only partner of the



first accused in real estate business.

5.Mr.Sivakumar, appearing for Mr.F.X.Eugin, learned counsel for the intervenor submitted that the petitioner, being a partner, should pay the amount and he has also brought to the notice of this Court that the suit in O.S.No.62 of 2015 is filed for not to disturb them.

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6.Considering the facts and circumstances of the case and also considering the fact that neither the defaco complainant nor the respondent police has taken steps to arrest the first accused and the suit is pending before the civil court, 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.V, Madurai, and on his 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 once in a week i.e on every Monday 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/-

28/04/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
- 3 THE INSPECTOR OF POLICE,
S.S.COLONY (CRIME) POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to Mr.D.RAMESH KUMAR Advocate SR.No.21529

JAM/03.05.17/KKR/SAR 4 / 2P-6C