



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

Thursday, the Twenty Fifth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.6246 of 2017

1 T.KARPAGAM
2 THONDEESWARAN

... PETITIONERS/ACCUSED 1 & 2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
CCB, MADURAI CITY,
MADURAI 19
CRIME NO. 65/2016

... RESPONDENT/COMPLAINANT

MRS.KANNAMMAL

... PETITIONER/INTERVENER

For Petitioner : M/S.S.BALAMURUGAN Advocate

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

For Intervenor : MR.C.ARUL VADIVEL @ SEKAR, Advocate

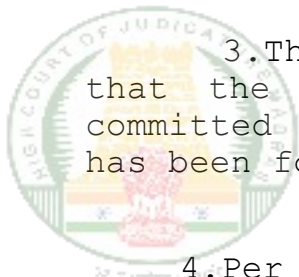
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrayed as A1 and A2 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 120(B), 406, 408 and 420 IPC, in Crime No.65 of 2016 on the file of the respondent police and hence, seek anticipatory bail.

2.The de-fact complainant has lodged a complaint before the respondent police alleging that she is the Manager and Partner of the Lakshmi Eye Care Service, Madurai and that the first petitioner/A1 was working as Accountant and during the audit, it was found that the 1st petitioner has drawn cheques by forging the signature of the de-facto complainant to the tune of Rs.1 Crore and deposited the same in her own account as well as in the joint account of her husband/A2 viz., the 2nd petitioner. Hence, this

Case



3.The learned counsel appearing for the petitioners submitted that the petitioners are husband and wife and they have not committed any offence as alleged by the prosecution and this case has been foisted against the petitioners with an ulterior motive.

4.Per contra, the learned counsel appearing for the intervener submitted that during the audit, it came to light that the first petitioner/A1 by forging the signature of the de-facto complainant, drawn nearly 16 cheques to the tune of Rs.1 Crores and swindled the money by depositing the same in her own account and also in her husband's account/A2 and that the first petitioner by admitting her crime, repaid a sum of Rs.40 Lakhs to the de-facto complainant and also executed a sale deed on 22.09.2016 in respect of her house property worth about 50 lakhs towards security purpose and due to some G.O passed by the Government , the sale deed was not able to register and taking advantage of the same, the first petitioner filed a civil suit in O.S.No.250 of 2016. Hence, he prayed for the dismissal of the anticipatory bail petition.

5.Heard the learned Government Advocate (Criminal Side) appearing for the respondent and he has submitted that the investigation is in crucial stage and hence, he strongly opposed to grant anticipatory bail to the petitioners.

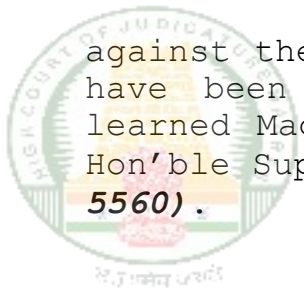
6.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners.

7.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 No.1, Madurai and on executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned or to the satisfaction of the respondent Police or the police officer who intends to arrest and on further condition that **the petitioners shall pay a sum of Rs.10,00,000/- [Rupees Ten lakhs only] to the de-facto complainant** and on further condition that:

[a]the petitioners shall report before the respondent Police daily at 10.30 a.m until further orders.

[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.



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/itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala (2005 AIR SCW 5560)**.

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25/05/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
 - 3 THE INSPECTOR OF POLICE,
CCB, MADURAI CITY, MADURAI 19.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.BALAMURUGAN Advocate SR.No.22939
+1. CC to M/S.C.ARUL VADIVEL @ SEKAR, Advocate SR.No.22850

ER
CSL/MSA/SAR-III/29.05.2017 : 2P/7C

ORDER
IN
CRL OP(MD) No.6246 of 2017
Date :25/05/2017