



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

Monday, the Fifth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP (MD) Nos.6565 & 6520 of 2017

JOSEPH BABY

... PETITIONER / ACCUSED NO.1

IN CRL.O.P.No.6565 OF 2017

V.VELDURAI

... PETITIONER / ACCUSED NO.2

IN CRL.O.P.No.6520 OF 2017

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI,
CRIME NO.212/2017

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : M/S.S.M.A.JINNAH Advocate
IN CRL.O.P.No.6565 of 2017

For Petitioner : M/S.R.VENKATESAN Advocate
IN CRL.O.P.No.6520 OF 2017

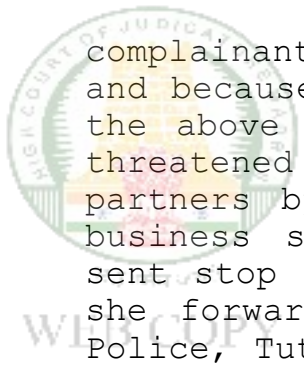
For Respondent : MR.A.RAMAR ADDITIONAL PUBLIC PROSECUTOR
IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A-1 & A2, in Crime No.212 of 2017 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B) and 420 of I.P.C., and hence, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a deserted widow and had two sons and doing business in the name and style of M/s.No.1 Kovai Kamachi Appalam. Due to the business relationship, the petitioner in Crl.O.P.(MD).No.6565 of 2017 developed matrimonial relationship with the defacto complainant and thereafter, they got married with the consent of her son in the presence of her friends and the marriage was solemnized on 17.12.2013 with the rites of Christianity. After the marriage, the petitioner borrowed loan for a sum of Rs.80,00,000/- from the bank by using her bank account. As a result, the defacto



complainant met a huge loss in her garlic business due to overstock and because of that, there was misunderstanding between herself and the above petitioner. It is also stated that the petitioner has threatened her to spoil her life with the help of his business partners by misusing the cheque leaves received from her for the business security purpose and therefore, the defacto complainant sent stop notice to the respective cheques and in this connection, she forwarded a complaint before the Assistant Superintendent of Police, Tuticorin and the same has been forwarded to the respondent police by which the present case has been registered. Consequently, the petitioner in Crl.O.P.No.6565 of 2017 is arrayed as accused No.1 and the petitioner in Crl.O.P.(MD).No.6520 of 2017 is arrayed as accused No.2. Due to the above difference of opinion, the petitioner by using the cheques of the defacto complainant has created bills as if there was transaction with the accused persons in Crl.O.P.(MD).No.6520 of 2017.

3. The learned counsel for the petitioners submitted that there is record to show that there was business transaction between the accused persons and the defacto complainant and due to family dispute between the defacto complainant and A.1, the present complaint has been lodged since A.2 happens to be the friend of A.1. Furthermore, the cheque issued by the defacto complainant has been dishonoured and in this regard, a compliant came to be lodged by A.2 against the defacto complainant. Proper notice has been issued by both sides by invoking Section 138 of Negotiable Instruments Act and the same is pending before the Judicial Magistrate No.V, Coimbatore. In any event, the petitioners are innocent and they have not committed any offence as alleged in the complaint. The petitioners are ready to co-operate with the enquiry.

4. The petitioner in Crl.O.P.No.6565 of 2017 would alleged to be the husband of the defacto compliant has misused two cheques by taking the help of the petitioner in Crl.O.P(MD).No.6520 of 2017 by giving it to his friends in and he has misused the cheques and that is the reason why, the defacto complainant had issued the stop payment and gave a complaint before the Superintendent of Police. Proper notice has been issued of the defacto complainant under Section 138 of Negotiable Instruments Act for misusing the cheques.

5.The learned Government Advocate(Crl. Side) would submit that the complaint has been forwarded by the Superintendent of Police and subsequently, a case has been registered against the petitioners in the afore-said criminal original petitions. The investigation is pending.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Thoothukudi and on each of them 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 petitioners shall report before the respondent police once in a week i.e. on every Sunday at 10.30 a.m., until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7.The petitioners are directed to produce all the documents available with them to the respondent police, to show that there is a business transaction between them, so as to enable the respondent police to complete the investigation.

8.The petitioners 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/-

05/06/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, THOOTHUKUDI.
- 2 THE JUDICIAL MAGISTRATE NO.V, COIMBATORE.
- 3 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 4 THE CHIEF JUDICIAL MAGISTRATE, COIMBATORE DISTRICT.
- 5 THE INSPECTOR OF POLICE,
THOOTHUKUDI CENTRAL POLICE STATION, THOOTHUKUDI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.M.A.JINNAH Advocate SR.No.23207

+1. CC to M/S.R.VENKATESAN Advocate SR.No.23411

ORDER

IN

CRL OP(MD) Nos.6565 & 6520 of 2017

Date :05/06/2017

MKV-CM-MSA-SAR 4/7.6.2017/3P-9C