



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

Tuesday, the Third day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.7149 of 2017

HASAN ALIYAR

... PETITIONER / ACCUSED

Vs

THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, RAMANATHAPURAM DISTRICT,

CRIME NO.4/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. RM. ARUNSWAMINATHAN Advocate

For Respondent : Mr.K.Anbarasan, Government Advocate (Crl.side)

For Intervenor : Mr.D.Balamurugapandian, Advocate

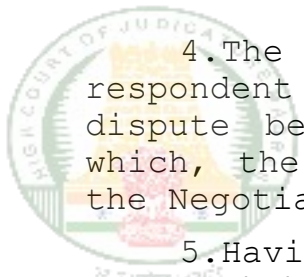
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 420, 294 (b), 506(ii) of IPC in Crime No.4 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner cheated the de facto complainant and made life threat in a public place.

3.The learned counsel for the petitioner submitted that the petitioner is innocent person and he have been falsely implicated in this case. He further submitted that the petitioner and the de facto complainant are doing real estate business. In this jecture, the de facto complainant approached the petitioner for financial assistance to purchase the property in Survey Nos.6/1B, 6/3B, 6/4, 7/3, 9/7A to an extent of 7 acre 44 cents in Perungullam group, Nathipalam, Ramanathapuram District. Accordingly, the petitioner had given a blank cheque to the de facto complainant for security purpose to the seller. Then as per repeated request made by the petitioner, the blank cheques have not been handed over to the petitioner. Subsequently, the de facto complainant gave a complaint before the respondent police in order to grab the money from the petitioner.



4.The learned Government Advocate (Crl.side) appearing for the respondent Police on instruction would submit that there was money dispute between the petitioner and the defacto complainant, for which, the defacto complainant already initiated proceedings under the Negotiable Instruments Act and the investigation is pending.

5.Having regard to the nature of allegation levelled against the petitioner and considering the submissions made by the learned Government Advocate (Crl.side), that the defacto complainant already initiated proceedings under the Negotiable Instruments Act by issuing a legal notice and considering the gravity of the offence, I am inclined to grant anticipatory bail to the petitioner. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (rupees fifteen 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:

- (i) the petitioner shall report before the respondent Police as and when required for the purpose of investigation.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall make themselves available for interrogation including custodial interrogation as and when required;
- (iv) the petitioner shall not commit any offence while on bail;
- (iv) On breach of any of the aforesaid conditions, the petition for anticipatory bail stands dismissed.

sd/-
03/10/2017

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



TO

1 THE JUDICIAL MAGISTRATE, RAMANATHAPURAM

2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, RAMANATHAPURAM DISTRICT

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

+1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.31997

ORDER

IN

CRL OP(MD) No.7149 of 2017

Date :03/10/2017

SM:PM-PN:SAR 2:6.10.2017:3P/6C