



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

Monday, the Twenty Third day of October Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.8181 of 2017

1 S.RAMAR
2 K.S.S.KALEESWARAN
3 K.SOUNDRAM
4 A.KIRUBAKARAN ... PETITIONERS/ACCUSED No.1to4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
S.S.COLONY POLICE STATION,
MADURAI DISTRICT
CRIME NO.721 OF 2017 ... RESPONDENT/COMPLAINANT

For Petitioner : Mr..T.LENIN KUMAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 4 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120-B, 406, 420 & 506(i) IPC in Crime No.721 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that one Srinivas is a close friend of the defacto complainant. The first petitioner introduced the other petitioners to the defacto complainant. The petitioners purchased rice bags from the said Srinivas by utilising the friendship worth about Rs.25,98,000/- (Rupees Twenty Five Lakhs Ninety Eight Thousand Only). Since the said amount is not repaid, the defacto complainant filed a complaint before the respondent police.

3. The learned counsel for the petitioners submitted that the petitioners paid Rs.18,00,000/- (Rupees Eighteen Lakhs Only) in order to prove their *bonafide* to the defacto complainant company. Accordingly, they prayed for grant of anticipatory bail and they have not committed any offence as alleged by the prosecution.



4.The learned counsel for the intervenor would submit that the petitioners cheated the company to the tune of Rs.25,98,000/- out of which they paid only Rs.18,00,000/- and remaining amount is not yet paid.

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5.The learned Government Advocate (Crl.side) appearing for the State submitted that the defacto complainant filed a complaint in which the petitioner cheated the company to the tune of Rs.25,98,000/- and investigation is still pending.

6.Considering the facts and circumstances of the case and in order to prove the *bonafide*, the petitioners paid a sum of Rs.18,00,000/-. Considering the above, I am 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners/A1 to 4 shall report before the S.S.Colony Police Station as and when required for interrogation;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioners shall not commit any offence while on bail;

(v) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
23/10/2017

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TO

1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
S.S.COLONY POLICE STATION,
MADURAI DISTRICT

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

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.33012

ORDER

IN

CRL OP(MD) No.8181 of 2017

Date :23/10/2017

myr

SH/PM-PN/SAR-1:26.10.2017:3P/6C