



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

Wednesday, the Twenty Fifth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.8467 of 2017

1 JAKIR HUSSAIN

2 J.MOHAMMED THOWFIQ

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REP.BY,
INSPECTOR OF POLICE
PANDALGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT
IN CRIME NO. 113/2016

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.M.KANNAN Advocate

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

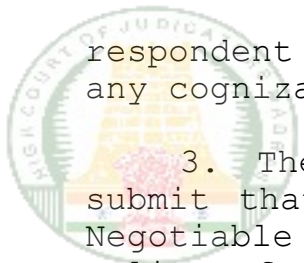
For Intervenor : Mr.PRABHU for M/S.POLAX LEGAL SOLUTIONS

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 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 407 and 420 of IPC, in Crime No.113 of 2016, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are running a garment shops. The defacto complainant purchased garments from the petitioners on credit basis and that there was an outstanding due of Rs.2,62,572/- for the goods supplied. For that, the defacto complainant had issued two cheques each for a sum of Rs.1,00,000/- and Rs.1,62,572/- respectively, drawn in concerned Bank and in favour of the petitioner, but the cheque were rejected, 'as insufficient fund'. Against which, the petitioners initiated proceedings under Section 130 of Cr.P.C, against the defacto complainant. Aggrieved by the same, the defacto complainant lodged a false complaint before the respondent police. The petitioners have also filed a complaint against the defacto complainant before the Lower Court. Thereafter, the Lower Court directed the respondent police to investigate the matter and thereafter, the



respondent police registered a complaint against the petitioners, if any cognizable offence is made out.

3. The learned counsel appearing for the petitioners would submit that since the petitioners committed the offence under the Negotiable Instrument Act, the Lower Court directed the respondent police after the enquiry, the respondent police register a case, if any cognizable offence is made out. He further submits that the petitioners are innocent persons and they have not committed any offence, as alleged by the prosecution.

4. The learned Government Advocate (Criminal side) appearing for the State on instructions, would submit that after the cheque was dishonoured, the defacto complainant paid the amount to the petitioners. However, the petitioners did not return the cheque. Aggrieved by the petitioners' action, the defacto complainant lodged a complaint under Section 156 of Cr.P.C before the Lower Court.

5. Considering the facts and circumstances of the case, 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 on which the order copy is made ready, before the learned Judicial Magistrate Court, Arupukottai 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 shall report before the investigation officer, as and when required on receipt of summon;

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

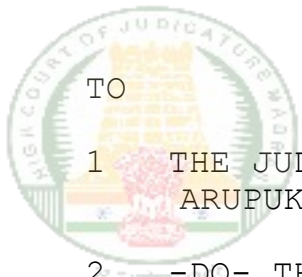
(iii) the petitioners shall not commit any offence while on bail;

(iv) 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/-
25/10/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
ARUPUKOTTAI.

2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 INSPECTOR OF POLICE
PANDALGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.M.KANNAN Advocate SR.No.33128

ORDER

IN

CRL OP (MD) No.8467 of 2017

Date :25/10/2017

MV:RR-BS:SAR2:31/10/2017/3P/6C