



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

Thursday, the Twenty Seventh day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.1489 and 2392 of 2017

M.GANESAN ... PETITIONER / ACCUSED NO.2
IN CRL OP(MD)NO.1489/2017

KAMALAKANNAN ... PETITIONER / ACCUSED NO.1
IN CRL OP(MD)NO.2392/2017

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
MADURAI CITY,
CRIME NO.82 OF 2015

... RESPONDENT/ COMPLAINANT
IN BOTH THE PETITIONS

V.PRADEEP ...PETITIONER/INTERVENER IN CRL MP(MD)
NO.2860/2017 IN CRL OP(MD)NO.1489/2017

For Petitioner : M/S.S.KARTHICK SUBRAMANIAN Advocate
IN BOTH THE PETITIONS

For Respondent : MRS.S.PRABHA Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

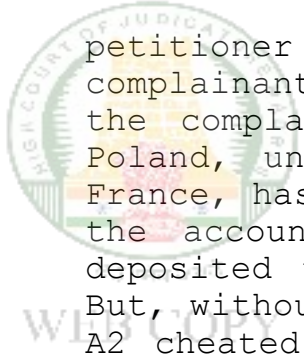
For Intervener : MR.ANBUNIDHI, Advocate
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A2 and A1 respectively in Crime No.82 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 468 and 471 IPC and hence, seek anticipatory bail.

2.Heard the learned counsel for the petitioners, the learned Government Advocate(Crl. Side) for the respondent/State and also the learned counsel for the intervener/defacto complainant.



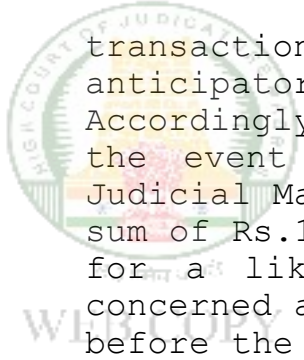
petitioner in CrI.O.P.(MD).No.2392 of 2017 /A1. A1 and the defacto complainant are friends. The allegation against the petitioners in the complainant is that A1, who is doing his higher studies in Poland, under the guise of getting a seat in an institution at France, has asked the de facto complainant to deposit Rs.16 lakhs in the account of A1 and accordingly, the defacto complainant has deposited the said amount in the account of A1 on various dates. But, without getting any admission in any institution, A1 along with A2 cheated the defacto complainant by giving bogus receipts as if the said amount has been remitted in the account of an institution at France. He would further submit that the petitioners are ready and willing to pay Rs.16 lakhs which is alleged to have been deposited in the account of A1 by the defacto complainant, without prejudice to their contentions. Only in order to assist the defacto complainant, A1 has received the said amount. The petitioners have already paid Rs.7 lakhs to the defacto complainant and also deposited Rs.2 lakhs to the credit of Crime No.82 of 2015. The petitioners are also ready to co-operate with enquiry.

4.The learned Government Advocate (criminal side) appearing for the respondent submitted that the case is of the year 2015 and that this Court has already granted interim anticipatory bail to A2. The investigation is pending.

5. It is seen from the record that when the petition in CrI.O.P.(MD).No.1489 of 2017 came up for hearing before this Court on 23.02.2017, A2 has handed over three cheques to the value of Rs.5 lakhs, Rs.1 lakh and Rs.1 lakh (totally Rs.7 lakhs) to the defacto complainant in the open Court, without prejudice to his contention and based on the same, this Court has granted interim anticipatory bail to A2. When the petition in CrI.O.P.(MD).No.2392 of 2017 came up for hearing, this Court directed the petitioner to deposit Rs.2 lakhs to the credit of Crime No.82 of 2015 without prejudice to his contention and accordingly, it is submitted that he has deposited the said amount.

6. Today, both the petitioners and the defacto complainant appeared before this Court and this Court mediated them. It appears that there was so many transactions between A1 and the defacto complainant. The petitioners submitted that the defacto complainant himself has sent a letter to the College at France cancelling his admission and therefore, it is a fault of the defacto complainant. But, the defacto complainant has denied the said statement and submitted that he has not sent any letter to the College at France. Both the parties produced various documents. The signature of the defacto complainant varies from one document to another. By producing the statement of accounts, the petitioners submitted that the defacto complainant has deposited only a sum of Rs.16 lakhs to the account of A1 and that they are ready to settle the same, without prejudice to their contentions.

7.Considering the facts and circumstances of the case and also considering the fact that the petitioners have paid Rs.9 lakhs without prejudice to their contentions and also considering the



transactions involved in this case, this Court is inclined to grant anticipatory 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.I, Madurai and on each 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 appear before the respondent police once in a week i.e., on every Monday at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation. The petitioners shall produce the documents available with them before the respondent Police and co-operate with the enquiry. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

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 petitions for anticipatory bail shall stand automatically dismissed.

sd/-

27/04/2017

/ TRUE COPY /

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

GCG

TO

1 THE JUDICIAL MAGISTRATE NO.1 MADURAI

2 THE CHIEF JUDICIAL MAGISTRTE
MADURAI

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

4 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
MADURAI CITY,

+2. CC to M/S.R.M.ANBUNIDHI Advocate SR.No.21536, 21537

GJM/BS/SAR-3-17.5.17-3P-7C

ORDER

IN

CRL OP(MD) No.1489 & 2392 of 2017

Date :27/04/2017