



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1088 of 2018

SAMUVEL THANGARAJ

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT
IN CRIME NO. 218/2013

... RESPONDENT

For Petitioner : M/S.P.M.VISHNUVARTHANAN Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who is arrayed as a sole accused, apprehending arrest at the hands of the respondent/Police for the offence punishable under Section 420 of IPC., in Crime No.218 of 2013, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is the father of the defacto complainant and the defacto complainant are the joint account-holder in Pandyan Grama Bank, Surandai Branch. On 14.09.2013, the petitioner withdraw a sum of Rs.4,11,772/- from the joint account, thereby he cheated the defacto complainant. Hence, the defacto complainant lodged a complaint before the respondent/police.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and only on the ill-advice of the defacto complainant's wife this complaint was lodged. Further he added that the defacto complainant, is nothing but the son of the petitioner and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl. Side) submitted that investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The submissions made by either side are considered. This



case was registered in 2013 in Crime No.218 of 2013. Admittedly, the petitioner herein is the son of the defacto complainant. The allegation levelled by the defacto complainant is that the petitioner took away a sum of Rs.4,11,772/- from the joint account, maintained by the defacto complainant as well as by the petitioner. Being a joint account-holder, the petitioner is entitled to take the amount from the Savings Bank account stands in the name of petitioner and defacto complainant. further, the evidence to be collected in this case are in the farm of written documents..

6.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sattankulam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 petitioner shall report before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

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

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
24/01/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE,
SATTANKULAM, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to M/S.P.M.VISHNUVARTHANAN Advocate SR.No.1469

ORDER
IN
CRL OP(MD) No.1088 of 2018
Date :24/01/2018

SMA/CM-VR/SAR-2/31.01.2018:3P/6c