



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1262 of 2018

1 C. SAKTHIVEL

2 SOUNDARA PANDIAN

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

CR.NO.7 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.JOTHIBASU Advocate

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

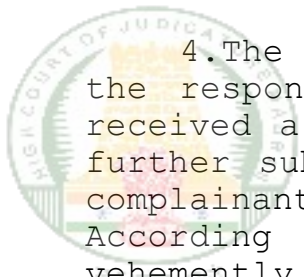
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners / A1 &A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294 (b), 420, 468, 471, 506(i) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.7 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first and second petitioners herein are brothers. The first petitioner/A1 herein has approached the defacto complainant and her husband, informed them that he is in need of Rs.3,00,000/- and Omni Car to develop his business and promised to repay the entire amount within a period of 30 months, he further promised to share the profit of 25% with the defacto complainant. Believing the words of the first petitioner, the defacto complainant and her husband mortgaged their house and gave the said amount to the petitioners. But, after receiving the entire amount, the petitioners herein failed to repay the same. Hence, the defacto complainant lodged a complainant against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for anticipatory bail.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners herein have received a sum of Rs. 3,89,790/- from the defacto complainant. He further submitted that the amount, which was given by the defacto complainant during the time of occurrence was not recovered. According to him, investigation is not completed. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.The submissions made by the learned counsel on either side are considered. As of now, the amount, which was paid by the defacto complainant and the documents obtained by the petitioners were not recovered. So, custodial interrogation of the petitioners is necessary for completing the investigation. Therefore, considering the gravity of offence committed by the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
25/01/2018

/ TRUE COPY /

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

TO

- 1 THE SUB INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1262 of 2018
Date :25/01/2018

MKV-CM-VR-SAR 4/1.2.2018/2P-3C