



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

Wednesday, the Thirty First day of January Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1488 of 2018

SUDALAI MUTHU

... PETITIONER/ ACCUSED(SINGLE)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PALANICHETTIPATTI POLICE STATION,
THENI DISTRICT.
(CRIME NO.8 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ANAND, Advocate
For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

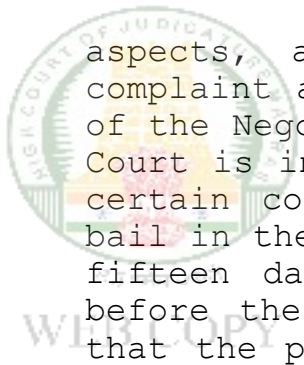
The petitioner / accused, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406, 420, 294(b) and 506(I) of I.P.C., in Crime No.8 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that by giving a false promise to get a job in the Airport Authority of India, the petitioner received a sum of Rs.5 lakhs from the de facto complainant. However, he failed to do so and also did not repay the said amount. When the de facto complainant asked the petitioner to repay the said amount, he threatened him with dire consequences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) submitted that investigation is not completed.

5.The submissions made by the learned counsel on either side are considered. It is alleged that during April 2012, the de facto complainant paid a sum of Rs.5,00,000/- to the accused herein for getting a job in Airports Authority of India. It is alleged in the F.I.R that the petitioner demanded Rs.10 lakhs and part of the amount i.e.Rs.5 lakhs was paid by the defacto complainant and agreed to pay the balance amount after getting appointment order. Three years before the date of registration of the case, the de facto complainant paid further amount of Rs.5 lakhs by pledging her jewels, which were meant for her marriage. Considering the above



aspects, as of now, the defacto complainant lodged a private complaint against this petitioner for the offence under Section 138 of the Negotiable Instrument Act, culminating the entire facts, 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 Court, Theni, 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/-
31/01/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THENI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
PALANICHETTIPATTI POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.ANAND Advocate SR.No.1685

ORDER IN
CRL OP(MD) No.1488 of 2018
Date :31/01/2018