



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

Monday, the Twelfth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1733 of 2018

1 MATHU MOORTHY@ KRISHNA MOORTHY

2 VIJAYA LAKSHMI

... PETITIONERS/ACCUSED No.1 & 2

Vs

THE STATE REPRESENTED BY ITS.,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI DISTRICT, MADURAI.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 406 and 420 of IPC, in Crime No.3 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have received a sum of Rs.96,000/- in 12 months from the defacto complainant, by way of chit and did not return the same. Hence, the defacto complainant has lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of



occurrence, the petitioners herein and one another accused collected a sum of Rs.96,000/- by way of chits from the defacto complainant and thereafter, the third accused in the alleged offence issued a cheque and the same was dis-honored without any payment. Now, the petitioners herein are arrayed as accused Nos.1 and 2 in the alleged offence. Moreover, the counsel, who is appearing for the petitioners fairly conceded to deposit the share of the petitioners in the mis-appropriated amount. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, on condition that each of the petitioners 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) Each of the petitioners shall deposit a sum of Rs.34,000/- (Rupees Thirty Four Thousand only) to the credit of of Crime No.3 of 2018, before the learned Judicial Magistrate No.I, Madurai, without prejudice their defence before the Trial Court.
- (ii) the petitioners shall report before respondent Police daily at 10.00 a.m. for a period of one month and thereafter, as and when required for interrogation;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
12/02/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE NO.I, MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, MADURAI DISTRICT, MADURAI.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.2310

ORDER
IN
CRL OP(MD) No.1733 of 2018
Date :12/02/2018

PK/PM-PN/SAR-4/16.02.2018 : 3P/6C