



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

Wednesday, the Fourteenth day of February Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2318 of 2018

P.JEYAVEL

... PETITIONER/ RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE, (CRIME),
THEPPAKULAM POLICE STATION,
MADURAI.

IN CRIME NO.117 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.MOHANKUMAR, 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 :-

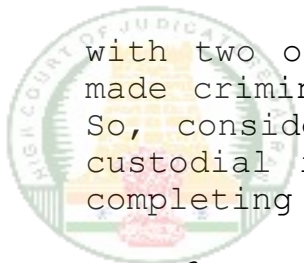
The petitioner/Accused rank not known, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 406, 420, 454 and 506(ii) of I.P.C., in Crime No.117 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had purchased flour materials worth about Rs.4,00,000/- from the defacto complainant's flour mill on various dates. For which, the petitioner issued cheques and the same was returned as insufficient funds. When the defacto complainant questioned the same, the petitioner gave a false promise and went along with two other persons to the defacto complainant's house and assaulted him.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated. He has not committed any offence as alleged by the prosecution, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the respondent police submitted that investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. Admittedly, the petitioner and the defacto complainant are having the business relationship in purchasing the flour materials. For which, the petitioner herein issued six cheques for Rs.50,000/-. But, after presenting the same for collection all the cheques were returned as no amount. Thereby, dispute arose between the petitioner and the defacto complainant. Subsequently, on 22.02.2016 at about 5.00 p.m., the petitioner along



with two other accused went to the defacto complainant's house and made criminal intimidation, for which the case has been registered. So, considering the nature of offence committed by the petitioner custodial interrogation of the petitioner may not be necessary for completing investigation.

6. Accordingly, considering the facts and other circumstances, this Court is inclined to grant anticipatory bail to the petitioner with some 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 No.I, Madurai, 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 until further orders;

(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/-

14/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE, (CRIME),
THEPPAKULAM POLICE STATION, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.G.MOHANKUMAR Advocate SR.No.2537

ORDER IN

CRL OP (MD) No.2318 of 2018

Date : 14/02/2018