



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.262 of 2018

SELVARAJ

... PETITIONER / ACCUSED No.4

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.J.PRAVEEN Advocate

For Respondent : M/S S.BHARATHI, Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

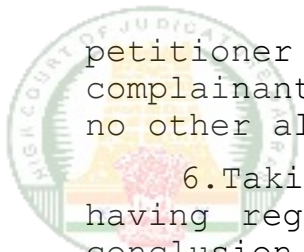
The petitioner is arrayed as A4, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 120(b), 406 and 420 of IPC in Crime No.2 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is working as labour in wood supply company and he alleged to have introduced A2 (firewood broker) to the defacto complainant for purchase of wood. The A1, A2 and A3 alleged to have received above 10 lakhs in the year 2015 for obtaining wood cutting order for 110 tamarind trees to defacto complainant. But they failed to do so and further A1 promised her to repay Rs.7,60,000/- and A2 promised to repay Rs.1,15,000/- but they failed to repay the said amount and cheated the defacto complainant. Hence the defacto complainant filed a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that he is innocent. No accusation is levelled against the petitioner either in the F.I.R or other prosecution statement and all other accused persons were released on bail.

4. The learned Government Advocat(Cr1.side) submitted that investigation is still pending.

5.The submissions made on either side are considered. The alleged occurrence was happened in 2015, for which, the case has been registered in 2017. The only allegation levelled against this



petitioner is, he introduced the fire wood broker to the defacto complainant for the purchase of wood. Except the above allegation, no other allegation is levelled against the petitioner.

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, the petitioner 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.2, Virudhunagar 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/-

08/01/2018

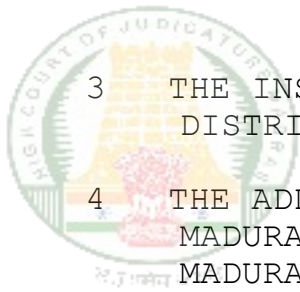
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.2
VIRUDHUNAGAR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT
SRIVILLIPUTHUR



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

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

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+1. CC to M/S.J.PRAVEEN Advocate SR.No. 300

JAM/10/01/2018/CM-VR/ SAR 2/ 3P-6C

ORDER

IN

CRL OP(MD) No.262 of 2018

Date :08/01/2018