



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

Monday, the Twenty Sixth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2986 of 2018

1 MANIMARAN,
2 CHINNADURAI,

... PETITIONERS / ACCUSED 2&3

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.170 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.P.BANU PRASAD Advocate

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

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

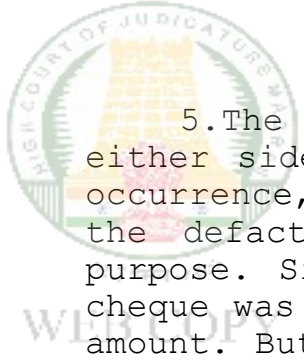
ORDER : The Court Made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 120-B, 468, 471 & 420 I.P.C., in Crime No.170 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner/A2 herein and the defacto complainant are close friends. Based on the relationship, the first accused, namely, Kasirajan was introduced by the first petitioner to the defacto complainant. Thereafter, the said Kasirajan borrowed a sum of Rs.2,80,000/- towards hand loan from the defacto complainant and issued four cheques for security purpose. After receiving the loan amount, the first accused failed to repay the same. Hence, a case has been registered for the above said offence.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

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



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the first accused, namely, Kasirajan availed a loan from the defacto complainant and he issued the cheques for security purpose. Since the debt amount was not paid by the first accused, cheque was presented before the bank by way of collecting the loan amount. But unfortunately, the cheque was dis-honoured. The defacto complainant made allegation that the signature found in the cheque is a forged one. Alternatively, the defacto complainant made allegation that the alleged offences are all in consequence of dishonoring of the cheques issued by the first accused in this case. Therefore, considering the facts and circumstances of the case, the evidences to be collected in this case are all available in the form of documents, therefore, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, they 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.III, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 petitioners shall report before the respondent police daily at 10.00 a.m until further orders.

(i) 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 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/-
26/02/2018

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



1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.P.BANU PRASAD Advocate SR.No.3040

GJM/CM/VR/SAR-4-2.3.18-3P-6C

ORDER

IN

CRL OP(MD) No.2986 of 2018

Date :26/02/2018