



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

Monday, the Twenty Second day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.910 of 2018

K.THANGADURAI,

... PETITIONER/ ACCUSED NO.4

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

CENTRAL CRIME BRANCH, MADURAI CITY.

IN CRIME NO.83 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.GUNASEKARAN 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 petitioner, who is arrayed as accused No.4, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 120(b), 197, 198, 199, 406, 420, 417, 418 of IPC, in Crime No.83 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused No.2 had represented as A1 is the owner of the property and received Rs.27 lakhs from the defacto complainant. Thereafter the property was purchased by the defacto complainant from A1. Later on enquiry, the defacto complainant came to know that the accused No.1 to 6 are cheated the defacto complainant and the property which was purchased by him is not belonged to the Accused No.1, thereby he lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and did not commit any offence as alleged by the prosecution. The defacto complainant at the instigation of his friend has lodged this false complaint.

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



5.The submissions made by the learned counsel on either side are considered. For the same offence already a case has been registered by the same respondent police in Crime No.68/2012 and the same was closed as action dropped. Subsequently, as per the direction given by the learned Judicial Magistrate No.I, Madurai, under Section 156(3) of Cr.P.C., this case has been registered against this petitioner. Admittedly, this petitioner has not executed any sale deed in favour of the defacto complainant.

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 for these type of cases. Accordingly, 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 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. 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/-
22/01/2018

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



1 THE JUDICIAL MAGISTRATE NO.1, MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY.

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

+1. CC to M/S.P.GUNASEKARAN Advocate SR.No.1228

GJM/RR/SAR-2-1.2.18-3P-6C

ORDER
IN
CRL OP(MD) No.910 of 2018
Date :22/01/2018