



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

Monday, the Twenty Third day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.6237 of 2018

U.ABUBAKKAR SIDDIQ RAJA,

... PETITIONER/ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.
(CRIME NO.6 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.CHANDRAMOHAN Advocate

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

For Intervener : MR.D.NALLATHAMBI, Advocate
IN CRL MP(MD)NO.3195/2018

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

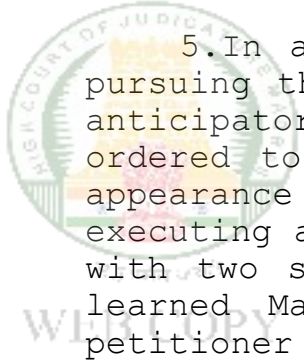
ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 120 (b), 406, 420, 465, 468 IPC in Crime No.6 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The defacto complainant is a contractor. The allegation in the F.I.R is that the petitioner in connivance with the employees of the defacto complainant made the defacto complainant part with monies even without supplying the materials.

3.When the matter was taken up for hearing, the learned counsel appearing for the intervenor objected the grant of anticipatory bail to the petitioner. He pointed out that this is the second anticipatory bail petition and that the amount in question has not been recovered.

4.Per contra, the learned counsel appearing for the petitioner would point out that as early as on 10.08.2017 the petitioner has lodged a complaint with the Superintendent of Police alleging that the dues payable by the defacto complainant is pending. The present complaint is later in point of time.



5. In any event, arrest of the petitioner is not necessary for pursuing the prosecution. Hence, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Theni and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation.

6. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
23/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THENI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.CHANDRAMOHAN Advocate SR.No.6981
+1cc to MR.D.NALLATHAMBI, Advocate in SR.No. 6939

GJM/CSL/VK/26.4.18-2P-7C

ORDER
IN
CRL OP(MD) No.6237 of 2018
Date :23/04/2018