



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

Wednesday, the Twenty First day of February Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.16325 of 2017

VIJAY @ VIJAYAKUMAR

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI CITY.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.PETRICIA JOANY, 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, who is arrayed as accused No.2, apprehending arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC, in Crime No.64 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the other accused cheated the defacto complainant by selling Kerala Sandal Soaps worth about Rs.10,00,000/-. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is not yet completed.

5.The submissions made by the learned counsel appearing on either side are considered.

6. Admittedly, the defacto complainant was appointed by this petitioner herein as a Super Stockist for selling the product of Soap. The defacto complainant running a company in the name of R.L. Agencies. As per the averments made in the First Information Report, after receiving a sum of Rs.10,00,000/-, from the defacto complainant, the petitioner herein on 24.01.2012 sent a Kerala Sandal Soap worth about Rs. 9,78,200/-. In the above circumstances, the amount paid by the defacto complainant was repaid by the petitioner by means of Soap. Thereafter, the defacto complainant has lodged this complaint stating that the petitioner has not actively involved in the business. Accordingly, the question of



recovery does not arise in this case. Due to which, the custodial interrogation of the petitioner may not be necessary for completing the investigation. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioner.

7. 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.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 appear before the respondent Police daily 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 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 petitioners 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/-

21/02/2018

**(*)AMENDED AS PER ORDER OF THIS HON'BLE COURT
MADE IN CRL MP(MD)NO.1145/2018 IN
CRL OP(MD)NO.16325/2017 DATED 21.02.2018**

/ 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,
CENTRAL CRIME BRANCH, MADURAI CITY.

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

+1.CC to M/S.SENTHIL SANKARA NATHA KUMAR, ADVOCATE, SR NO.2916

ORDER IN

CRL OP(MD) No.16325 of 2017

Date :21/02/2018