



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

Tuesday, the Thirtieth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.17631 of 2017

VARGHESE

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PALUGAL POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.171 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.R.SREENIVASAN, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

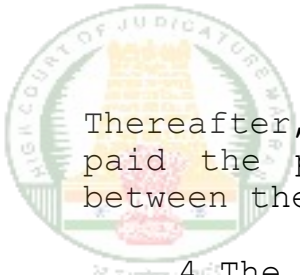
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 420, 294(b), 506(i) IPC in Crime No.171 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that about six years back, one Deisy, Aunt of the petitioner obtained five sovereigns of gold chain from the de-facto complainant and handed over the same to this petitioner and thereafter, the petitioner obtained 1 ½ sovereigns of gold chain from the son of the de-facto complainant. While the de-facto complainant decided to construct a house, this petitioner obtained Rs.4,00,000/- from her and provided sand and bricks worth of Rs.1,80,000/- only and thereafter, did not do any work. Hence, the de-facto complainant demanded this petitioner either to construct house or return the money, in which, this petitioner abused the de-facto complainant and threatened her with dire consequences. Therefore, the de-facto complainant lodged the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the defacto complainant's husband has borrowed a sum of Rs.2,00,000/- from the petitioner and promised to return the same with interest and for some period, the defacto complainant has paid the interest.



Thereafter, the defacto complainant neither paid the interest nor paid the principal amount. Hence, there was a wordy altercation between them. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner is the sole accused and that the investigation is completed and that the charge sheet will be filed, within a period of three weeks.

5. Submission made by either side considered, it is alleged that the offence under sections 420, 294(b), 506(i) IPC in Crime No.171 of 2017, has been registered against the petitioner. The submissions made by the learned Government Advocate (Criminal Side) appearing for the respondent disclose that investigation had been completed. Accordingly, custodial interrogation is not necessary. Therefore, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to 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 Court No.I, Kuzhithurai, 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 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 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/-
30/01/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE INSPECTOR OF POLICE,
PALUGAL POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.M.R.SREENIVASAN Advocate SR.No.1574

ORDER

IN

CRL OP (MD) No.17631 of 2017

Date :30/01/2018

MS/CM-VR/SAR.1/02.02.2018/3P.6C