



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

Thursday, the Twentieth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21870 of 2018

KANNAN

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI DISTRICT
Crime No.54/2018

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.J.SULTHAN BASHA Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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, 294(b) & 506(i) of IPC, in Crime No.54 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the case has been registered against the "Masaniyamman Women Group". It is a self help group. It was running by A4 who had canvassed for contributions from the persons in and around the place at the rate of Rs.12,000/- for Rs.1 lakh loan and Rs.24,000/- for Rs.3 lakhs loan. In this way, they collected a sum of Rs.8,28,000/- from 36 persons. When the defacto complainant approached the persons asking for loan or return of their money, the accused persons stated that within a period of one week the loan would be processed. Thereafter, when the main accused person A4 Kumaresan was questioned about the same on 08.09.2018, he had stated that within 10 days he would give the entire amount and had given an undertaking in 50 rupees Non Judicial Stamp Paper. There was evidences are available in audio and vedio forms.

3.According to the petitioner, the petitioner was working as collecting agent under A4 and he has not canvassed from any person.



4.The learned Government Advocate (Crl. Side) submits that 36 innocent village people were cheated by the accused persons. No money has been recovered from any of them.

5.Considering the same this Court is inclined to grant anticipatory bail to the petitioner on deposit of Rs.1,00,000/-.

6.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 Theni, on condition that the petitioner shall execute 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 said Magistrate, on further condition that:

[a] The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) into the credit number before the concerned Judicial Magistrate.

[b] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/12/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
THENI.

2. 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.

ORDER

IN

CRL OP (MD) No.21870 of 2018

Date : 20/12/2018

TK/PN.AC/SAR-3/20.12.2018/3P/5C