



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

Wednesday, the Twenty Fifth day of July Two Thousand Eighteen

PRESENT

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

CRL OP (MD) No.9348 of 2018

Mr. T. NAGARAJAN PIRAMIAJEE

... PETITIONER / ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
(CRIME NO. 364/2017)

... RESPONDENT / COMPLAINANT

M/S.GATI LIMITED,
HAVING REGD.OFFICE
AT PLOT NO.20, SURVEY NO.12, KOTHAGUDA,
KONDAPUR, HYDERABAD-500 084.

ALSO
BRANCH OFFICE AT
93C/84/31 DOLPHIN HOUSE RAJIV NAGAR NORTH,
4TH STREET, TUTICORIN-628 008

... PETITIONER/INTERVENER/DE-
FACTO-COMPLAINANT

For Petitioner : Mr.T.LAJAPATHI ROY Advocate

For Respondent : Mr.A.ROBINSON Govt. Advocate (Crl. Side)

For Intervenor : Mr.J.RAVIKUMAR Advocate

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

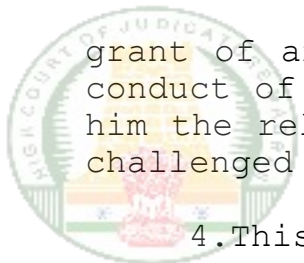
ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 and 465 I.P.C, in Crime No.364 of 2017, seeks anticipatory bail.

2.Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl. side) appearing for the respondent Police and the learned counsel appearing for the intervener.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel for the intervener strongly opposed the



grant of anticipatory bail. He pointed out that taking note of the conduct of the petitioner, this Court had earlier declined to grant him the relief of anticipatory bail and the same was unsuccessfully challenged by the petitioner before the Hon'ble Supreme Court.

4.This Court made it clear that the petitioner's liability appears to be beyond dispute at least insofar as a portion of the claim is concerned. This Court called upon the petitioner to show his bona fides which was lacking in the previous case. Pursuant to the stand taken by this Court, the petitioner had handed over the Demand Drafts totally for a sum of Rs.40,00,000/- (Rupees forty lakhs only) in favour of the defacto complainant to the learned counsel for the intervener on the last occasion.

5.That apart, the petitioner has offered an unencumbered property in Survey No.121 that belongs to his father. That would fetch a sum of Rs.45,00,000/- (Rupees forty five lakhs only). The petitioner's father has also filed an affidavit before this Court. This Court is of the view that since the petitioner has shown some bona fide in liquidating the liability, he is entitled to grant of anticipatory bail. That apart, case against the petitioner rests on documentary evidence.

6.This Court has to observe that there are clear materials indicating that the forged bank guarantees were furnished by the petitioner. This is the case in which the police cannot file a negative final report. The respondent police is directed to file the final report in Crime.No.364 of 2017 before the Jurisdictional Magistrate within a period of two months from the date of receipt of a copy of this order. The respondent police shall file a compliance report on or before 20.09.2018 in this regard and the said compliance report shall be placed before me. This time line shall be strictly adhered to. The respondent police shall not ask for any extension of time for reason whatsoever.

7.The learned counsel for the petitioner undertakes that he shall not challenge the order passed by this Court. The Jurisdictional Magistrate shall take the final report on file forthwith, without any delay. The Trial Court shall conclude the entire trial proceedings within a period of three months thereafter. The concerned Trial Magistrate is also directed to file a compliance report before the registry. The Registrar (Judicial) is directed to monitoring time lines stipulated in this order are strictly adhered to.

8.With these observations and directions, this Criminal Original Petition is allowed. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.III, Thoothukudi and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.



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9.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
25/07/2018

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO III, THOOTHUKUDI.
 - 2.THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.T.LAJAPATHI ROY Advocate SR.No.14082
+1. CC to Mr.J.RAVI KUMAR Advocate SR.No.14056

COPY TO:

THE REGISTRAR(JUDICIAL ,
MADURAI BENCH OF MADRAS HIGH Court,MADURAI.

ORDER
IN
CRL OP(MD) No.9348 of 2018
Date :25/07/2018

TK/MMS/GSR/31.07.2018/3P-8C