



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

Tuesday, the Eighteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22031 of 2018

JABBER SATHIK

... PETITIONER / ACCUSED No.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
(CRIME NO.524/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.ANAND Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 420 of IPC., in Crime No.524 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 17.04.2018, the petitioner and one Arumugam, who is arrayed as A2 in this case, had received totally a sum of Rs.6,00,000/- from the defacto complainant to find out a suitable land for him in the Cumbam area and had executed an agreement for the same. After receipt of the money, they have neither find out any property nor returned the money, despite several reminders to them and they are unable to be contacted.

3. The learned counsel appearing for the petitioner submits that the agreement dated 17.04.2018 was not at all signed by the petitioner and it is a forged document. The petitioner never received Rs.6 Lakhs, as alleged and he admits that he received only Rs.1,00,000/-. He would further submit that due to the non co-operative attitude of the defacto complainant, the property could not be purchased and the petitioner could not be found fault with for the same. Several discrepancies between the agreement dated

22.03.2018 and 17.04.2018. Further, the learned counsel submits that the petitioner is ready and willing to deposit Rs.1,00,000/-, to the credit of the case.

4. The learned Government Advocate (crl.side) appearing for the State, on instructions, would submit that petitioner and one Arumugam, who is arrayed as A2 in this case, had received totally a sum of Rs.6,00,000/- from the defacto complainant to find out a suitable land for him in Cumbam area and had executed an agreement for the same. After receipt of the money, they have neither find out any property nor returned the money. Investigation in this case is in progress.

5. I have heard the learned counsels appearing on either side and perused the materials available on record.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Uthama Palayam, Theni District, 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 learned Magistrate concerned and on further condition that;

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

[b] the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of Crime No.524 of 2018, on the file of the respondent Police.

[c] the petitioner shall report before the respondent police, daily at 10.00 a.m., for a period of one week, and thereafter, as and when required, for interrogation.

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

[e] 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]**.



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

sd/-
18/12/2018

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

TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.
 2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to MR.R.ANAND, Advocate SR.No.23786

ORDER
IN
CRL OP(MD) No.22031 of 2018
Date :18/12/2018

AE/VR MMS/SAR1/26.12.2018/3P/6C