



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

Thursday, the Thirteenth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20574 of 2018

1 RAJENDRAN
2 RAJA
3 RAJALAKSHMI
4 VEERAMMAL

... PETITIONERS / ACCUSED
No. 1 to 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
BODINAICKANNUR TOWN POLICE STATION,
THENI DISTRICT.
Crime No.1033 of 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.R.SELVARAJ Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners/accused 1 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 448, 294(b) I.P.C in Crime No.1033 of 2018, seek anticipatory bail.

2. The case of the prosecution is that during the year 2014, the defacto complainant had taken a hand loan to the tune of Rs.2,00,000/- from the first petitioner on condition to pay in monthly instalments with interest. Thereafter, as security, a sale agreement for a property was received on 28.03.2018, which has been registered as document No.1229 of 2018 in Sub Registrar Office, Bodinayakanur. Thereafter, a complaint has been given on 02.11.2018, as though the petitioner have demanded higher interest on loan and attempted to cheat. Based on which, the present complaint has been filed.

3. The contention of the petitioners is that they are innocent and they had nothing to do with the alleged crime and hence, anticipatory bail may be granted to them.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is a money dispute between the first petitioner and defacto complainant and investigation is going on.

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5.It is also mentioned that this matter was twice referred to the mediation. But on both occasions, the defacto complainant failed to appear.

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

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Bodi, Theni District and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that

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

[b] the petitioners shall report before the respondent Police as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[e] 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 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].

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

sd/-
13/12/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
BODI, THENI DISTRICT

2. THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE
BODINAICKANNUR TOWN POLICE STATION,
THENI DISTRICT.

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

+1. CC to Mr.R.SELVARAJ Advocate SR.No.23385

ORDER

IN

CRL OP(MD) No.20574 of 2018

Date :13/12/2018

AE/PN.AC/SAR-2/19.12.2018/3P/6C