



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

Wednesday, the First day of August Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.12132 of 2018

1 G.BALAMURUGAN

2 B.METILDA POOVALAGI

... PETITIONERS/ACCUSED 1&4

Vs

THE STATE OF TAMILNADU,
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT
CR NO.23/2017

... RESPONDENT/COMPLAINANT

For Petitioners : MR.PRABHU RAJADURAI for MR.K.RAJESHWARAN, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

For Intervenor : MR.K.SIVABALAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC in Crime No.23 of 2017, seek anticipatory bail.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent Police.

3.The de facto complainant invested a sum of Rs.38,00,000/-in the firm run by the first petitioner herein, on the promise to induct his daughter as a partner. It appears that the business run by the firm run into difficulties and the said sum is nor going to be returned. It is averred that the cheques issued by the firm were also dishonoured. The first petitioner is working in Customs Department.



4. The learned counsel appearing for the petitioner submits that a sum of Rs.2,50,000/- will be paid directly to the *de facto* complainant within one month. The second petitioner shall take a DD and pay the said sum of rupees to the *de facto* complainant within this period. The first petitioner undertakes that a sum of Rs.10,000/- will be credited in the account of the *de facto* complainant for a period of two years, which shall be taken from the salary of the first petitioner, commencing from the month of September 2018.

5. It is made clear that the first petitioner shall not be put to any disciplinary action, merely because this Court has given this direction. This direction has been passed so as to facilitate the second petitioner to liquidate the liability. It is also made clear that this Court has not given a finding that the first petitioner is liable. Since the first petitioner is the husband of the second petitioner and he attempted to liquidate the liability on easy instalments to the *de facto* complainant, this will not give rise to any other consequence for the first petitioner.

6. Recording the undertaking given by the first petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Tirunelveli 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 the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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/-

01/08/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI

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

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI



3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, TIRUNELVELI DISTRICT

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

+1. CC to MR.K.RAJESHWARAN, Advocate SR.No.14627
+1. CC to MR.K.SIVABALAN, Advocate SR.No.14639

ORDER
IN
CRL OP(MD) No.12132 of 2018
Date :01/08/2018

PK/JC/SAR-4/10.08.2018 : 3P/7C